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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Third Committee*

Rapporteur: Mr. Carlos Enrique **García González** (El Salvador)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session, under the item entitled "Human rights questions", the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" and to allocate it to the Third Committee.

2. The Committee held a general discussion on sub-item 105 (b) jointly with sub-items (c) and (e) at its 24th to 34th meetings, from 26 to 29 October and on 1 and 2 November, and took action under sub-item (b) at its 36th, 37th, 41st to 50th and 53rd meetings, on 4, 10, 11, 15-19, 22 and 24 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/59/SR.24-34, 36, 37, 41-50 and 53).

3. For the documents before the Committee under this item, see A/59/503.

4. At the 24th meeting, on 26 October, the United Nations High Commissioner for Human Rights addressed the Committee. The Committee engaged in a dialogue with the High Commissioner in which the representatives of Switzerland, the Netherlands, Norway, Canada, Guinea, Cuba, Peru, New Zealand, Indonesia, India, China, Algeria, the Libyan Arab Jamahiriya, Argentina and Burkina Faso took part (see A/C.3/59/SR.24).

* The report of the Committee on this item will be issued in six parts, under the symbol A/59/503 and Add.1-5.

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5. At its 25th meeting, on 26 October, the Committee heard introductory statements by the Director of the New York Office of the United Nations High Commissioner for Human Rights and the Director of the Division for Social Policy and Development of the Department of Economic and Social Affairs (see A/C.3/59/SR.25).

6. At its 26th meeting, on 27 October, the Committee heard introductory statements by the Special Rapporteur on extrajudicial, summary or arbitrary executions. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union), Egypt, the Bolivarian Republic of Venezuela, Switzerland, Afghanistan, Cuba, Côte d'Ivoire, Singapore, the Islamic Republic of Iran, Colombia, New Zealand, Malaysia, India, Finland, Norway and China, as well as the observer of Palestine (see A/C.3/59/SR.26).

7. At the 27th meeting, on 27 October, the Special Rapporteur on freedom of religion or belief made an introductory statement. The Committee then engaged in a dialogue with the Special Rapporteur, in which the representatives of Egypt, Canada, the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union), Costa Rica, Uzbekistan, Sri Lanka, India, Cuba, Thailand, China, the United States of America, Bangladesh, Indonesia, Nigeria, the Republic of Korea and the Observer of the Organization of the Islamic Conference took part (see A/C.3/59/SR.27).

8. At the same meeting, the Special Rapporteur on the right to food made an introductory statement. The Committee then engaged in a dialogue with the Special Rapporteur in which the representatives of Mali, the Democratic People's Republic of Korea, the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union), the United States of America, Israel and Cuba, as well as the observer of Palestine, took part (see A/C.3/59/SR.27).

9. Also at the same meeting, the Independent Expert on the protection of human rights and fundamental freedoms while countering terrorism reported to the Committee and engaged in a dialogue with the representatives of Switzerland, the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union), Mexico, Costa Rica, India and Israel (see A/C.3/59/SR.27).

10. At the 28th meeting, on 28 October, the Special Rapporteur on the human rights of migrants made an introductory statement and engaged in a dialogue with the representatives of Peru, Senegal, the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union), Costa Rica and Indonesia (see A/C.3/59/SR.28).

11. At the 29th meeting, on 28 October, the Special Rapporteur on the right to food continued to engage in a dialogue in which the representatives of Togo, China, India and the Democratic People's Republic of Korea took part (see A/C.3/59/SR.29).

12. At the 30th meeting, on 29 October, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health made an introductory statement and engaged in a dialogue with the representatives of Brazil, the Netherlands (on behalf of the States Members of the

United Nations that are members of the European Union), Grenada, Switzerland, New Zealand, Canada, China and Cuba (see A/C.3/59/SR.30).

13. At the 31st meeting, on 29 October, the Chairman of the Working Group on the Right to Development of the Commission on Human Rights addressed the Committee and engaged in a dialogue with the representatives of Malaysia, the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union), Tunisia, China, the Syrian Arab Republic, India and Yemen (see A/C.3/59/SR.31).

II. Consideration of proposals

A. Draft resolution A/C.3/59/L.34

14. At the 37th meeting, on 4 November, the representative of Cameroon, on behalf of Angola, Burundi, Cameroon, the Central African Republic, Chad, the Congo, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tome and Principe, introduced a draft resolution entitled "Subregional Centre for Human Rights and Democracy in Central Africa" (A/C.3/59/L.34). Subsequently, Algeria, Belgium, Burkina Faso, Cape Verde, Côte d'Ivoire, France, the Gambia, Germany, Ghana, Italy, Mali, Morocco, South Africa, Togo, Tunisia and the United States of America joined in sponsoring the draft resolution.

15. At the 42nd meeting, on 11 November, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/59/SR.42).

16. At the same meeting, the Committee adopted draft resolution A/C.3/59/L.34 without a vote (see para. 145, draft resolution I).

B. Draft resolution A/C.3/59/L.35

17. At the 37th meeting, on 4 November, the representative of Egypt, on behalf of Afghanistan, Azerbaijan, Bangladesh, Burkina Faso, China, the Congo, Cuba, the Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ghana, Indonesia, Iran (Islamic Republic of), the Libyan Arab Jamahiriya, Malaysia, Mauritius, Morocco, Namibia, Pakistan, Saudi Arabia, South Africa, the Sudan, the Syrian Arab Republic, Togo, Uganda, the United Arab Emirates and Zimbabwe, introduced a draft resolution entitled "Globalization and its impact on the full enjoyment of all human rights" (A/C.3/59/L.35). Subsequently, Cameroon, Grenada, Guyana, Kenya, Mauritania, Myanmar, the Philippines, Somalia, Suriname, Tunisia and Viet Nam joined in sponsoring the draft resolution.

18. At the 48th meeting, on 19 November, the Committee was advised that the draft resolution had no programme budget implications.

19. At the same meeting, a statement was made by the representative of Egypt (see A/C.3/59/SR.48).

20. Also at its 48th meeting, the Committee adopted draft resolution A/C.3/59/L.35 by a recorded vote of 118 to 50, with 3 abstentions (see para. 145, draft resolution II). The voting was as follows:[1]

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Brazil, Chile, Singapore.

21. Before the adoption of the draft resolution, the representative of the Bolivarian Republic of Venezuela made a statement; after the adoption of the draft resolution, the representative of the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union) made a statement in explanation of vote; the representative of Qatar also made a statement (see A/C.3/59/SR.48).

[1] The delegation of Georgia subsequently indicated that, had it been present, it would have voted against the draft resolution.

C. Draft resolution A/C.3/59/L.37

22. At the 41st meeting, on 10 November, the representative of Malaysia, on behalf of the members of the Movement of Non-Aligned Countries and China, introduced a draft resolution entitled "The right to development" (A/C.3/59/L.37). Subsequently, Benin, Cambodia and Tajikistan joined in sponsoring the draft resolution.

23. At the 46th meeting, on 18 November, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/59/SR.46).

24. At the same meeting, the representative of Malaysia orally revised the draft resolution as follows:

(a) The fifth preambular paragraph, which read:

"*Welcoming* the consensus achieved at the General Council meeting of the World Trade Organization, held at Geneva from 27 to 31 July 2004"

was replaced by the following text:

"*Welcoming* the framework modalities agreed at the General Council meeting of the World Trade Organization in Geneva on 1 August 2004 in key areas such as agriculture, market access for non-agricultural products, trade facilitation, development and services"

(b) Operative paragraph 1, which read:

"1. *Welcomes* the establishment of a high-level task force on the implementation of the right to development, comprising the Chairman of the Working Group on the Right to Development, high-level representatives from trade, finance and development organizations and five experts related to the implementation of the right to development, to assist the Working Group to fulfil its mandate, and looks forward to the consideration by the Working Group at its next session of its concrete recommendations"

was replaced by the following text:

"1. *Endorses* the agreed conclusions and recommendations adopted by the Working Group on the Right to Development at its fifth session, and calls for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors";

(c) Operative paragraph 2, which read:

"2. *Reaffirms* the agreed conclusions and recommendations adopted by the Working Group at its fifth session, and calls for their immediate, full and effective implementation by Member States, the Office of the United Nations High Commissioner for Human Rights and other relevant actors"

was replaced by the following text:

"2. *Welcomes* the establishment of a high-level task force on the implementation of the right to development within the framework of the Working Group to assist the Working Group to fulfil its mandate, and looks

forward to the consideration by the Working Group of its concrete recommendations at its next session";

(d) In operative paragraph 3, after the words "sixtieth session of the General Assembly", the words "to undertake a comprehensive review" were replaced by the words "at which a comprehensive review will be undertaken";

(e) In operative paragraph 4, the words "right to development at the international level" were replaced by the words "right to development at the national and international levels";

(f) In operative paragraph 5, the words "and requests the Subcommission to submit to the Commission without further delay the concept document establishing options for the implementation of the right to development and their feasibility for the Commission to consider and take decisions on this matter at its sixty-second session" were replaced by the words "and requests the Subcommission, without further delay, to submit to the Commission at its sixty-second session the concept document establishing options for the implementation of the right to development and their feasibility";

(g) In operative paragraph 6, the word "*Welcomes*" was replaced by the words "*Takes note of*", and the words "calls upon" were replaced by the word "invites";

(h) In operative paragraph 16, before the words "and emphasizes the principle", the words "reaffirms the commitment made to meet that target" were added;

(i) In operative paragraph 17, the words "*Reaffirms* the commitment, and" were replaced by the word "*Urges*";

(j) Operative paragraph 18, which read:

"18. *Welcomes* the consensus achieved on the key areas of agriculture, market access for non-agricultural products, trade facilitation, development and services"

was replaced by the following text:

"18. *Recognizes* the need to address market access for developing countries, including in agriculture, services and non-agricultural products, in particular those of interest to developing countries";

(k) In operative paragraph 25, the word "governance" at the end of the paragraph was replaced by the words "social responsibility";

(l) In operative paragraph 26, after the words "urges States to sign and ratify", the words "as soon as possible, and States parties to implement effectively" were added, and the words "as soon as possible" were deleted at the end of the paragraph;

(m) In operative paragraph 27, the words "and better servicing of and support for the Working Group on the Right to Development" were replaced by the words ", and calls upon the Secretary-General to provide the Office of the High Commissioner with the necessary resources".

25. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/59/L.37, as orally revised, by a recorded vote of 165 to 2, with 4 abstentions (see para. 145, draft resolution III). The voting was as follows:[2]

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia, Canada, Japan, Sweden.

26. Before the adoption of the draft resolution, statements were made by the representatives of the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union) and the Bolivarian Republic of Venezuela; after the adoption of the draft resolution, the representatives of Japan and Norway made statements in explanation of vote (see A/C.3/59/SR.46).

[2] The delegations of Bolivia and Somalia subsequently indicated that, had they been present, they would have voted in favour of the draft resolution.

D. Draft resolution A/C.3/59/L.38

27. At the 45th meeting, on 17 November, the representative of Peru, on behalf of Argentina, Azerbaijan, Bolivia, Brazil, Cape Verde, Chile, China, Colombia, Costa Rica, Cuba, Dominica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, the Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, the Philippines, the Republic of Korea, Senegal, Thailand, Ukraine, Uruguay and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Human rights and extreme poverty" (A/C.3/59/L.38), which read:

"*The General Assembly*,

"*Reaffirming* the International Bill of Human Rights,

"*Bearing in mind* the United Nations Millennium Declaration and the development goals contained therein, including the commitment to halve by 2015 the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

"*Recalling* its resolutions 47/196 of 22 December 1992, by which it declared 17 October the International Day for the Eradication of Poverty, and 50/107 of 20 December 1995, by which it proclaimed the first United Nations Decade for the Eradication of Poverty (1997-2006),

"*Recalling also* its resolution 57/211 of 18 December 2002 and its previous resolutions on human rights and extreme poverty, in which it reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them,

"*Recalling further* its resolution 52/134 of 12 December 1997, in which it recognized that the enhancement of international cooperation in the field of human rights was essential for the understanding, promotion and protection of all human rights,

"*Deeply concerned* that extreme poverty persists in each country of the world, regardless of its economic, social and cultural situation, and that the extent and manifestations of extreme poverty, such as hunger, trafficking in human beings, disease, lack of adequate shelter, illiteracy and hopelessness, are particularly severe in developing countries, though acknowledging the significant progress made in several parts of the world in combating extreme poverty,

"*Bearing in mind* Commission on Human Rights resolution 2004/23 of 16 April 2004 and resolution 2004/7 of 9 August 2004 of Subcommission on the Promotion and Protection of Human Rights,

"*Welcoming* the meeting of world leaders for action against hunger and poverty, convened on 20 September 2004 by the Presidents of Brazil, Chile and France and the President of the Government of Spain, with the support of the Secretary-General, and the resulting New York Declaration,

"*Recognizing* that the eradication of extreme poverty is a major challenge within the process of globalization and requires coordinated and continued policies through decisive national action and international cooperation,

"*Reaffirming* that, since the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and might, in some situations, constitute a threat to the right to life, its immediate alleviation and eventual eradication must remain a high priority for the international community,

"*Considering* that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

"*Noting with interest* the extension of the mandate of the independent expert on human rights and extreme poverty for a period of two years,

"1. *Reaffirms* that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

"2. *Also reaffirms* that it is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in the promotion of human rights and in efforts to combat extreme poverty, and that it is essential for people living in poverty and vulnerable groups to be empowered to organize themselves and to participate in all aspects of political, economic and social life, in particular the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development;

"3. *Emphasizes* that extreme poverty is a major issue to be addressed by Governments, civil society and the United Nations system, including international financial institutions, and in this context reaffirms that political commitment is a prerequisite for the eradication of poverty;

"4. *Reaffirms* that the existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

"5. *Recognizes* the need to promote respect for human rights and fundamental freedoms, in order to address the most pressing social needs of people living in poverty, including through the establishment of new, innovative financial mechanisms to support the efforts of developing countries to achieve sustained economic growth, eradicate poverty, attain sustainable development and strengthen their democratic systems;

"6. *Reaffirms* the commitments to spare no effort to fight against extreme poverty, including the commitment contained in the United Nations Millennium Declaration to halve, by 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger;

"7. *Encourages*, in this regard, further discussion of innovative sources of finance to combat hunger and poverty, building, inter alia, on the discussion launched at the meeting of world leaders for action against hunger and poverty, held in New York on 20 September 2004;

"8. *Invites* the United Nations High Commissioner for Human Rights, within the framework of the implementation of the United Nations Decade for

the Eradication of Poverty, to continue to give appropriate attention to the question of human rights and extreme poverty;

"9. *Notes with appreciation* that the United Nations Educational, Scientific and Cultural Organization has chosen the eradication of poverty as a cross-cutting theme of its strategy for 2002-2007;

"10. *Requests* the independent expert on the question of human rights and extreme poverty to submit a report on his activities to the General Assembly at its sixty-first session;

"11. *Calls upon* States, United Nations bodies, in particular the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, intergovernmental organizations and non-governmental organizations to continue to give appropriate attention to the links between human rights and extreme poverty;

"12. *Decides* to consider this question further at its sixty-first session, under the sub-item entitled 'Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms'."

28. At the 53rd meeting, on 24 November, the representative of Peru introduced oral revisions to the draft resolution, which were circulated in an informal paper.

29. At the same meeting, Albania, Andorra, Armenia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, the Central African Republic, the Congo, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Djibouti, Egypt, Estonia, Ethiopia, Finland, France, the Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Japan, Kenya, Kuwait, Latvia, Lesotho, Liberia, the Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritania, Mauritius, Mongolia, Monaco, Morocco, Mozambique, Namibia, Nepal, the Netherlands, New Zealand, Poland, Portugal, the Republic of Moldova, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, the Sudan, Swaziland, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Tunisia, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Zambia joined in sponsoring the draft resolution, as orally revised.

30. At the same meeting, a statement was made by the representative of Honduras (see A/C.3/59/SR.53).

31. Also at the same meeting, the Committee was advised that the draft resolution, as orally revised, had no programme budget implications.

32. Also at its 53rd meeting, the Committee adopted draft resolution A/C.3/59/L.38, as orally revised, without a vote (see para. 145, draft resolution IV).

33. After the adoption of the draft resolution, statements were made by the representatives of the United States and the Bolivarian Republic of Venezuela (see A/C.3/59/SR.53).

E. Draft resolution A/C.3/59/L.39

34. At the 41st meeting, on 10 November, the representative of Malaysia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and China, introduced a draft resolution entitled "Enhancement of international cooperation in the field of human rights" (A/C.3/59/L.39).

35. At its 46th meeting, on 18 November, the Committee was advised that the draft resolution had no programme budget implications.

36. Also at the same meeting, the Committee adopted draft resolution A/C.3/59/L.39 without a vote (see para. 145, draft resolution V).

F. Draft resolution A/C.3/59/L.40

37. At the 41st meeting, on 10 November, the representative of Malaysia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and China, introduced a draft resolution entitled "Human rights and unilateral coercive measures" (A/C.3/59/L.40).

38. At the 48th meeting, on 19 November, the Committee was advised that the draft resolution had no programme budget implications.

39. At the same meeting, a statement was made by the representative of Malaysia (see A/C.3/59/SR.48).

40. Also at the same meeting, the Committee adopted draft resolution A/C.3/59/L.40 by a recorded vote of 115 to 51, with no abstentions (see para. 145, draft resolution VI). The voting was as follows:[3]

In favour:

Algeria, Angola, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and

[3] The delegation of Georgia subsequently indicated that, had it been present, it would have voted against the draft resolution.

Tobago, Tunisia, Uganda, United Arab Emirates, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

None.

41. After the adoption of the draft resolution, a statement was made by the representative of the Bolivarian Republic of Venezuela (A/C.3/59/SR.48).

G. Draft resolution A/C.3/59/L.41

42. At its 44th meeting, on 16 November, the Committee had before it a draft resolution, sponsored by Australia and Costa Rica, entitled "World Programme for Human Rights Education" (A/C.3/59/L.41), which read:

"*The General Assembly*,

"*Recalling* the relevant resolutions adopted by the General Assembly and the Commission on Human Rights concerning the United Nations Decade for Human Rights Education, 1995-2004,

"*Recalling also* its resolution 58/181 of 22 December 2003, in which it decided to dedicate a plenary meeting during the fifty-ninth session of the General Assembly on the occasion of Human Rights Day, 10 December 2004, to review the achievements of the United Nations Decade for Human Rights Education, 1995-2004, and to discuss possible future activities for the enhancement of human rights education,

"*Taking note* of Commission on Human Rights resolution 2004/71 of 21 April 2004, in which the Commission recommended that the General Assembly proclaim at its fifty-ninth session a world programme for human rights education, to begin on 1 January 2005,

"*Convinced* that human rights education for every man, woman and child is essential to the realization of their human rights and fundamental freedoms and contributes significantly to promoting equality, preventing conflict and human rights violations and enhancing participation and democratic processes, with a view to developing societies in which all human beings are valued and respected,

"1. *Takes note* of the views expressed in the report of the United Nations High Commissioner for Human Rights on the achievements and

shortcomings of the United Nations Decade for Human Rights Education, 1995-2004, and on future United Nations activities in this area concerning the need to continue a global framework for human rights education beyond the Decade in order to ensure a priority focus on human rights education within the international agenda;

"2. *Proclaims* the World Programme for Human Rights Education, to begin on 1 January 2005, structured in consecutive phases, in order to advance the implementation of human rights education programmes in all sectors;

"3. *Notes with appreciation* the draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education, prepared jointly by the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization, as contained in the note by the Secretary-General, and invites States to submit comments thereon to the Office of the High Commissioner;

"4. *Urges* Governments to build upon their efforts to implement the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004, through the implementation of the recommendations in the draft plan of action for the first phase (2005-2007) of the World Programme of Action for Human Rights Education, with a view to attaining comprehensive, participatory and sustainable national strategies for human rights education;

"5. *Decides* to consider this issue at its sixtieth session."

43. At the same meeting, following a statement by the representative of Australia, the draft resolution was withdrawn (see A/C.3/59/SR.44).

H. Draft resolution A/C.3/59/L.42

44. At the 43rd meeting, on 15 November, the representative of Azerbaijan, on behalf of Afghanistan, Argentina, Armenia, Austria, Azerbaijan, Bangladesh, Belarus, Bosnia and Herzegovina, Canada, Chile, Costa Rica, Croatia, the Democratic Republic of the Congo, Egypt, Ethiopia, Georgia, Germany, Greece, Italy, Jordan, Kazakhstan, Kyrgyzstan, the Libyan Arab Jamahiriya, Nicaragua, Pakistan, Panama, Peru, Qatar, Saudi Arabia, Senegal, Serbia and Montenegro, the Sudan, Switzerland, Tajikistan, Ukraine and Uzbekistan, introduced a draft resolution entitled "Missing persons" (A/C.3/59/L.42). Subsequently, Belgium, Benin, Cyprus, Grenada, Liechtenstein, Mauritania, Nigeria, Romania, Slovenia, Somalia, the Syrian Arab Republic, the former Yugoslav Republic of Macedonia and Tunisia joined in sponsoring the draft resolution.

45. At its 47th meeting, on 18 November, the Committee was advised that the draft resolution had no programme budget implications.

46. At the same meeting, the representative of Azerbaijan orally revised the draft resolution as follows:

(a) In operative paragraph 1, after the words "Geneva Conventions of 1949 and", the words "for States Parties" were deleted;

(b) In operative paragraph 5, the words "immediate steps" were replaced by the words "all necessary measures, in a timely manner";

(c) In operative paragraph 9, after the word "*Invites*", the word "all" was deleted;

(d) Operative paragraph 11, which read:

"11. *Also requests* the Secretary-General to transmit the report requested by the Commission on Human Rights in its resolution 2004/50 of 20 April 2004 to the General Assembly at its sixty-first session"

was replaced by the following text:

"11. *Also requests* the Secretary-General to submit a comprehensive report on the implementation of the present resolution to the Commission on Human Rights at its sixty-second session and to the General Assembly at its sixty-first session";

(e) Operative paragraph 12, which read:

"12. *Decides* to remain seized of the matter at its sixty-first session"

was replaced by the following text:

"12. *Decides* to consider this question at its sixty-first session".

47. Also at the same meeting, the Committee adopted draft resolution A/C.3/59/L.42, as orally revised, without a vote (see para. 145, draft resolution VII).

48. Before the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/59/SR.47).

I. Draft resolution A/C.3/59/L.43

49. At the 44th meeting, on 16 November, the representative of Cuba, on behalf of Algeria, Bangladesh, Burkina Faso, Cameroon, China, Colombia, the Congo, Cuba, the Democratic Republic of the Congo, the Democratic People's Republic of Korea, Eritrea, Ethiopia, Ghana, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Kenya, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Madagascar, Malawi, Mauritius, Mozambique, Myanmar, Namibia, Nigeria, Qatar, the Russian Federation, South Africa, the Sudan, the Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam, Zambia and Zimbabwe, introduced a draft resolution entitled "Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity" (A/C.3/59/L.43). Subsequently, Angola, Benin, Botswana, Burundi, Cambodia, Egypt, El Salvador, Grenada, Malaysia, Pakistan, Saint Vincent and the Grenadines, Somalia, Suriname, Swaziland, Togo, Tunisia, Turkmenistan and the United Republic of Tanzania joined in sponsoring the draft resolution.

50. At its 49th meeting, on 19 November, the Committee was advised that the draft resolution had no programme budget implications.

51. At the same meeting, the Committee adopted draft resolution A/C.3/59/L.43 without a vote (see para. 145, draft resolution VIII).

J. Draft resolution A/C.3/59/L.44

52. At the 45th meeting, on 17 November, the representative of Mexico, on behalf of Argentina, Austria, Belgium, Brazil, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, the United Kingdom of Great Britain and Northern Ireland, Ukraine and Uruguay, introduced a draft resolution entitled "Protection of human rights and fundamental freedoms while countering terrorism" (A/C.3/59/L.44), which read:

"*The General Assembly*,

"*Reaffirming* the purposes and principles of the Charter of the United Nations,

"*Reaffirming also* the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

"*Recalling* that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

"*Recognizing* that the respect for human rights, the respect for democracy and the respect for the rule of law are interrelated and mutually reinforcing,

"*Recalling* its previous resolutions 57/219 of 18 December 2002 and 58/187 of 22 December 2003 as well as Commission on Human Rights resolutions 2003/68 of 25 April 2003 and 2004/87 of 21 April 2004,

"*Recalling also* its resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

"*Reaffirming* that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

"*Noting* the declaration on the issue of combating terrorism contained in the annex to Security Council resolution 1456 (2003) of 20 January 2003, in particular the statement that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

"*Noting also* the declarations, statements and recommendations by a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,

"*Reaffirming its unequivocal condemnation* of all acts, methods and practices of terrorism, in all their forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

"*Deploring* the suffering caused by terrorism to the victims and their families, and expressing its profound solidarity with them,

"*Deploring also* occurrences of violations of human rights and fundamental freedoms in the context of the fight against terrorism,

"*Stressing* that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

"1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

"2. *Reaffirms also* that States, in accordance with article 4 of the International Covenant on Civil and Political Rights, are under the obligation to respect certain rights as non-derogable under any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations, as stated in General Comment No. 29, on states of emergency, adopted by the Human Rights Committee on 24 July 2001;

"3. *Calls upon* States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

"4. *Welcomes* the report of the Secretary-General submitted pursuant to resolution 58/187, which expresses that it is imperative that all States work to uphold and protect the dignity of individuals and their fundamental freedoms, as well as democratic practices and the rule of law, while countering terrorism;

"5. *Takes note with appreciation* of the study of the United Nations High Commissioner for Human Rights submitted pursuant to resolution 58/187, which concludes that the United Nations has been unable to address the compatibility of national counter-terrorism measures with international human rights obligations in a comprehensive and integrated way;

"6. *Encourages* States to make available to relevant national authorities the 'Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism' and to take into account the provisions established therein, and requests the High Commissioner to update and publish it periodically;

"7. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism

Committee to strengthen the links and to continue to develop cooperation with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism;

"8. *Requests* all relevant special procedures and mechanisms of the Commission on Human Rights, as well as the United Nations human rights treaty bodies, to consider, within their mandates, the protection of human rights and fundamental freedoms in the context of measures to combat terrorism and to coordinate their efforts, as appropriate, in order to promote a consistent approach on this subject;

"9. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission on Human Rights and the relevant comments and views of United Nations human rights treaty bodies;

"10. *Welcomes* the appointment by the Commission on Human Rights of an independent expert on the question of protection of human rights and fundamental freedoms while countering terrorism, and encourages States to cooperate fully with him;

"11. *Requests* the High Commissioner, making use of existing mechanisms, to continue:

"(a) To examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

"(b) To make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

"(c) To provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

"12. *Requests* the independent expert to finalize the report mandated by Commission on Human Rights resolution 2004/87 for presentation through the High Commissioner to the sixty-first session of the Commission on Human Rights, and, in that regard, requests him to take into account the debate held during the fifty-ninth regular session of the General Assembly;

"13. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Human Rights at its sixty-first session and to the General Assembly at its sixtieth session."

Subsequently, Albania, Armenia, Bolivia, Bosnia and Herzegovina, Bulgaria, Costa Rica, Egypt, Grenada, Honduras, Iceland, Japan, Jordan, Madagascar, Malawi, the Republic of Moldova, Paraguay, Romania, Serbia and Montenegro, Saint Vincent and the Grenadines, the Sudan and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

53. At its 53rd meeting, on 24 November, the Committee was advised that the draft resolution had no programme budget implications.

54. At the same meeting, the representative of Mexico introduced oral revisions to the draft resolution, which were circulated in an informal paper.

55. Also at the 53rd meeting, the Committee adopted draft resolution A/C.3/59/L.44, as orally revised, without a vote (see para. 145, draft resolution IX).

56. After the adoption of the draft resolution, the representatives of the United States of America and the Bolivarian Republic of Venezuela made statements (see A/C.3/59/SR.53).

K. Draft resolution A/C.3/59/L.45/Rev.1

57. At the 46th meeting, on 18 November, the representative of Norway, on behalf of Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, the Dominican Republic, Denmark, Ecuador, Estonia, Georgia, Finland, France, Germany, Greece, Guatemala, Guinea-Bissau, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, the Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms" (A/C.3/59/L.45/Rev.1). Subsequently, Albania, Azerbaijan, Benin, Botswana, Cameroon, El Salvador, Mauritius, Morocco, Micronesia (Federated States of), Nicaragua and Senegal joined in sponsoring the draft resolution.

58. At the 47th meeting on 18 November, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/59/SR.47).

59. At the same meeting, the representative of Norway orally revised the draft resolution as follows: the seventh preambular paragraph, which read:

> "*Emphasizing* the important role that individuals, non-governmental organizations and groups play in the promotion of human rights and fundamental freedoms"

was replaced by the following text:

> "*Emphasizing* the important role that individuals, groups and organs of society play in the promotion and protection of all human rights and fundamental freedoms for all."

60. Also at its 47th meeting, the Committee adopted draft resolution A/C.3/59/L.45/Rev.1, as orally revised, without a vote (see para. 145, draft resolution X).

61. After the adoption of the draft resolution, the representative of the Syrian Arab Republic made a statement (see A/C.3/59.SR.47).

L. Draft resolution A/C.3/59/L.47

62. At the 44th meeting, on 16 November, the representative of Cuba, on behalf of Algeria, Angola, Burkina Faso, Burundi, Cameroon, Cape Verde, China, the Congo, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Ecuador, El Salvador, Eritrea, Ethiopia, Iran (Islamic Republic of), Kenya, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Mali, Mauritania, Namibia, Nigeria, Pakistan, the Russian Federation, the Sudan, Swaziland, the Syrian Arab Republic, Viet Nam and Zimbabwe, introduced a draft resolution entitled "Promotion of a democratic and equitable international order" (A/C.3/59/L.47). Subsequently, Belarus, Benin, Côte d'Ivoire, the Dominican Republic, the Gambia, Grenada, Guinea-Bissau, Jamaica, Malaysia, Myanmar, Rwanda, Sierra Leone, Suriname, the United Republic of Tanzania and Zambia joined in sponsoring the draft resolution.

63. At the 47th meeting, on 18 November, the Committee was advised that the draft resolution had no programme budget implications.

64. At the same meeting, the representative of Cuba orally revised operative paragraph 13 by replacing the words "January 2003" with the words "February 2005".

65. Also at its 47th meeting, the Committee adopted draft resolution A/C.3/59/L.47, as orally revised, by a recorded vote of 115 to 55, with 4 abstentions (see para. 145, draft resolution XI). The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Armenia, Mexico, Peru.

66. Before the adoption of the draft resolution, a statement in explanation of vote was made by the representative of the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union, as well as Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey); after the adoption of the draft resolution, a statement in explanation of vote was made by the representative of the Bolivarian Republic of Venezuela (see A/C.3/59/SR.47).

M. Draft resolution A/C.3/59/L.51

67. At the 44th meeting, on 16 November, the representative of Mexico, on behalf of Argentina, Brazil, Burkina Faso, Chile, Colombia, Cuba, Ecuador, Egypt, El Salvador, Guatemala, Mali, Mexico, Paraguay, Peru, the Philippines, Senegal, Tunisia and Uruguay, introduced a draft resolution entitled "Protection of migrants" (A/C.3/59/L.51). Subsequently Armenia, Bangladesh, Bolivia, Côte d'Ivoire, the Gambia, Ghana, Grenada, Kyrgyzstan, Morocco, Nicaragua, the Niger, Nigeria, Somalia, Sri Lanka, the Sudan, Togo and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

68. At its 53rd meeting, on 24 November, the Committee was advised that the draft resolution had no programme budget implications.

69. Also at the same meeting, the representative of Mexico orally revised the draft resolution as follows:

(a) At the end of the fourth preambular paragraph, the words "that the rights recognized in the Covenant are extended to all individuals within its territory and subject to its jurisdiction" were replaced by the words "to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant";

(b) At the end of the seventh preambular paragraph, the words "and members of their families" were deleted;

(c) The ninth preambular paragraph, which read:

"*Welcoming also* the report of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants, as well as the conclusions and recommendations contained therein"

was replaced by the following text:

"*Taking note with appreciation* of the report of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants, especially the work she has undertaken on the human rights of migrants, and taking note of the conclusions and recommendations contained therein";

(d) At the end of the tenth preambular paragraph, the words "in the case of foreign nationals detained by the authorities of a receiving State" were deleted;

(e) In the eleventh preambular paragraph, the words "in which the Court, inter alia, concluded that there was a duty on the part of the arresting authorities to give the information provided for in article 36 of the Vienna Convention on Consular Relations of 1963 to an arrested person as soon as it is realized that the person is a foreign national, or once there are grounds to think that the person is probably a foreign national" were replaced by the words "and recalling the obligations of States reaffirmed therein";

(f) At the end of the twelfth preambular paragraph, the words "in which the Court concluded, inter alia, that States may not subordinate or condition observance of the principle of equality before the law and non-discrimination to achieving their public policy goals, whatever they may be, including those concerning migrants" were deleted;

(g) At the end of the fifteenth preambular paragraph, the words "and members of their families" were deleted;

(h) At the beginning of the eighteenth preambular paragraph, the word "*Resolving*" was replaced by the word "*Resolved*";

(i) At the end of operative paragraph 3, the words "norms and standards" were deleted;

(j) In operative paragraph 4, the words "growing number" were replaced by the words "increasing number";

(k) In operative paragraph 6, the words "in the case of any form of" were replaced by the words "in the case of arrest," and the words "of the rights accorded to him or her" were replaced by the words "of his or her rights" at the end of the paragraph;

(l) In operative paragraph 7, the words "*Calls upon* States to implement fully the commitments and recommendations relating to the promotion and protection of the human rights of migrants contained in the Durban Declaration and Programme of Action" were replaced by the words "*Calls upon* States to promote and protect fully the human rights of migrants, as set out in the Durban Declaration and Programme of Action";

(m) In operative paragraph 8, the word "*Also*" was inserted at the beginning of the paragraph;

(n) In operative paragraph 12, after the words "detention of migrants", the word "including" was replaced by the words "and to take action to prevent and punish any form of illegal deprivation of liberty of migrants";

(o) In operative paragraph 15, the words "which should take into account, in particular, trafficking and smuggling that endangers the lives of migrants or includes

different forms of servitude or exploitation, such as any form of debt bondage, slavery, sexual exploitation or forced labour, and also encourages them to strengthen international cooperation to combat such trafficking and smuggling" were replaced by the words "recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may include debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to combat such trafficking and smuggling";

(p) In operative paragraph 18, after the words "*Calls upon* all States to protect", the words "and promote" were added;

(q) In operative paragraph 21, the words "to react promptly to her urgent appeals to seriously consider inviting her to visit their countries, and welcomes in this regard the invitations extended to the Special Rapporteur by some Member States to visit them" were replaced by the words "to respond appropriately and expeditiously to her urgent appeals and to give serious consideration to her requests to visit their countries, and welcomes in this regard the standing invitations extended by some Member States to all special procedures, including the Special Rapporteur";

(r) Operative paragraph 22, which read:

"22. *Encourages* States to take the necessary measures for the effective implementation of the conclusions and recommendations contained in the report of the Special Rapporteur"

was replaced by the following text:

"22. *Encourages* States to review and examine the conclusions and recommendations contained in the report of the Special Rapporteur and to consider their re-implementation";

(s) At the beginning of operative paragraph 23, the words "*Calls upon*" were replaced by the word "*Invites*";

(t) In operative paragraph 25, the words "as a matter of priority" were deleted.

70. Also at its 53rd meeting, the Committee adopted draft resolution A/C.3/59/L.51, as orally revised, without a vote (see para. 145, draft resolution XII).

71. After the adoption of the draft resolution, the representatives of the United States of America and Singapore made statements (see A/C.3/59/SR.53).

N. Draft resolution A/C.3/59/L.52

72. At the 41st meeting, on 10 November, the representative of the Russian Federation, on behalf of Algeria, Azerbaijan, Belarus, Bhutan, Burundi, Cameroon, the Central African Republic, China, Colombia, the Congo, Cuba, Ecuador, El Salvador, Ethiopia, Fiji, Guinea-Bissau, India, Indonesia, Kazakhstan, Madagascar, Nigeria, Pakistan, Peru, the Philippines, the Republic of Moldova, the Russian Federation, Senegal, Swaziland, Tunisia, Turkey, Ukraine, the United Republic of Tanzania, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "Human rights and terrorism" (A/C.3/59/L.52).

Subsequently, the Dominican Republic, Eritrea, Kyrgyzstan, Sri Lanka, the Sudan, Tajikistan, Togo and Uzbekistan joined in sponsoring the draft resolution.

73. At the 42nd meeting, on 11 November, the Committee was advised the draft resolution had no programme budget implications.

74. At the same meeting, the Committee adopted draft resolution A/C.3/59/L.52 by a recorded vote of 109 to 49, with 5 abstentions (see para. 145, draft resolution XIII). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Moldova, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Armenia, Brazil, Chile, Syrian Arab Republic.

75. Before the adoption of the draft resolution, the representative of the United States of America made a statement; after the adoption of the draft resolution, the representatives of Chile, the Syrian Arab Republic, Japan and Canada made statements in explanation of vote (see A/C.3/59/SR.42).

O. Draft resolution A/C.3/59/L.56

76. At the 41st meeting, on 10 November, the representative of Belgium, on behalf of Argentina, Austria, Belgium, Burkina Faso, Cameroon, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, the Netherlands, New Zealand, Nigeria, Panama, Peru, Poland, Portugal, the Republic of Korea, Romania, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Regional arrangements for the promotion and protection of human rights" (A/C.3/59/L.56). Subsequently, Albania, Armenia, Australia, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, the Congo, Costa Rica, the Democratic Republic of the Congo, the Dominican Republic, El Salvador, the Gambia, Georgia, Madagascar, Mali, Malta, Mongolia, Morocco, Nauru, the Niger, Norway, Paraguay, the Philippines, the Republic of Moldova, Rwanda, Sao Tome and Principe, Serbia and Montenegro, South Africa, Timor-Leste, Tunisia, Turkey, the United Republic of Tanzania and the United States of America joined in sponsoring the draft resolution.

77. At the 46th meeting, on 18 November, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/59/SR.46).

78. At the same meeting, the representative of Belgium orally revised the draft resolution as follows:

(a) At the end of operative paragraph 7, the words "to allow for closer working relations with States, United Nations country teams, international and regional organizations as well as non-governmental organizations" were deleted;

(b) At the end of operative paragraph 8, subparagraph (b), the words "on the Establishment of an African Court" were replaced by the words "and the Establishment of an African Court";

(c) In operative paragraph 11, the words "to work through the United Nations country teams" were deleted.

79. Also at the 46th meeting, the Committee adopted draft resolution A/C.3/59/L.56, as orally revised, without a vote (see para. 145, draft resolution XIV).

80. After the adoption of the draft resolution, the representative of the Bolivarian Republic of Venezuela made a statement (see A/C.3/59/SR.46).

P. Draft resolution A/C.3/59/L.57 and Rev.1 and amendments thereto contained in document A/C.3/59/L.80

81. At the 41st meeting, on 10 November, the representative of Finland, on behalf of Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg,

Malta, Mexico, the Netherlands, Norway, Panama, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay, introduced a draft resolution entitled "Extrajudicial, summary or arbitrary executions" (A/C.3/59/L.57), which read:

"*The General Assembly*,

"*Recalling* the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

"*Having regard* to the legal framework of the mandate of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolutions 1992/72 of 5 March 1992 and 2001/45 of 23 April 2001, as well as General Assembly resolution 47/136 of 18 December 1992,

"*Mindful* of its resolutions on the subject of extrajudicial, summary or arbitrary executions, and the resolutions of the Commission on Human Rights on the subject,

"*Recalling* Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

"*Recalling also* Economic and Social Council resolution 1989/65 of 24 May 1989, in which the Council recommended the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

"*Convinced* of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the right to life,

"1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

"2. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

"3. *Notes with grave concern* that situations of extrajudicial, summary or arbitrary executions may, under certain circumstances, result in mass murder, ethnic cleansing or genocide;

"4. *Notes with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

"5. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the further occurrence of such executions;

"6. *Acknowledges* the establishment of the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions and the fact that a significant number of States have already signed, ratified or acceded to the Rome Statute, and calls upon all other States to consider becoming parties to the Statute;

"7. *Calls upon* all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, including in particular articles 6, 7 and 14 of the International Covenant on Civil and Political Rights and articles 37 and 40 of the Convention on the Rights of the Child, bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

"8. *Urges* Governments:

"(a) To undertake all necessary and possible measures to prevent the occurrence of extrajudicial, summary or arbitrary executions;

"(b) To undertake all necessary and possible measures to prevent loss of life, in particular that of children, during public demonstrations, internal and communal violence, civil unrest and public emergencies or armed conflicts, and to ensure that the police, law enforcement agents and security forces act with restraint and in conformity with international human rights law and humanitarian law;

"(c) To undertake all necessary and possible measures to prevent deaths in custody;

"(d) Not to expel, return or extradite anyone to a country where there are substantial grounds for believing that he or she may become a victim of extrajudicial, summary or arbitrary execution;

"(e) To ensure the effective protection of the right to life of all persons under their jurisdiction, and to investigate promptly and thoroughly all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of members of national, ethnic or linguistic minorities, of refugees, internally displaced persons, street children or members of indigenous communities, killings of persons for reasons related to their peaceful activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation, as well as all other cases where a person's right to life has been violated, and to bring those responsible

to justice before a competent, independent and impartial judiciary and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

"9. *Encourages* Governments, intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials in human rights and humanitarian law issues connected with their work and to include a gender perspective in such training, and appeals to the international community and requests the Office of the United Nations High Commissioner for Human Rights to support endeavours to that end;

"10. *Reaffirms* Economic and Social Council decision 2004/259 of 22 July 2004 to extend the mandate of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions for three years;

"11. *Takes note with appreciation* of the interim report of the Special Rapporteur to the General Assembly and the recommendations contained therein, and invites Governments to give them due consideration;

"12. *Commends* the important role that the Special Rapporteur plays towards the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within his mandate, to collect information from all concerned, to respond effectively to reliable information that comes before him, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in his reports;

"13. *Urges* the Special Rapporteur to continue, within his mandate, to bring to the attention of the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide, situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or where early action might prevent further deterioration;

"14. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in that regard;

"15. *Urges* all Governments, in particular those that have not yet done so, to respond in a timely manner to the communications and requests for information transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests;

"16. *Expresses its appreciation* to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to report to

the Special Rapporteur on the actions taken on those recommendations, and requests other Governments to cooperate in a similar way;

"17. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

"18. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him to carry out his mandate effectively, including through country visits;

"19. *Also requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

"20. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-first session on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat that phenomenon."

82. At the 50th meeting, on 22 November, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/59/SR.50).

83. At the same meeting, the Committee had before it a revised draft resolution (A/C.3/59/L.57/Rev.1), submitted by the sponsors of draft resolution A/C.3/59/L.57 and Albania, Armenia, Canada, the Dominican Republic, Ecuador, El Salvador, New Zealand, Turkey and Venezuela (Bolivarian Republic of). Subsequently, Grenada and Palau joined in sponsoring the draft resolution.

84. At the same meeting, the representative of Finland orally revised draft resolution A/C.3/59/L.57/Rev.1 as follows:

(a) In operative paragraph 8, the words "*Urges* Governments" were replaced by the words "*Urges* all Governments";

(b) In operative paragraph 8 (b), after the words "possible measures", the words, "in conformity with international human rights law and international humanitarian law," were inserted;

(c) In operative paragraph 16, the words "to report to the Special Rapporteur" were replaced by the words "to inform the Special Rapporteur".

85. Also at the same meeting, the Committee had before it amendments to draft resolution A/C.3/59/L.57/Rev.1, contained in document A/C.3/59/L.80, sponsored by Algeria, Bahrain, Bangladesh, China, Djibouti, Egypt, Indonesia, Iran (Islamic Republic of), the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, the Sudan, the Syrian Arab Republic, the United Arab Emirates, the United Republic of Tanzania and Zimbabwe. Subsequently, Kuwait and Viet Nam joined in sponsoring the amendments, by which:

(a) In operative paragraph 7, the words "in which the death penalty has not been abolished" would be replaced by the words "in order to prevent extrajudicial, summary or arbitrary executions";

(b) Operative paragraph 8 (c) would be replaced by the following text:

"*Reaffirms* the obligation of Governments to ensure the protection of the right to life of all persons under their jurisdiction, and calls upon Governments concerned to investigate promptly and thoroughly all cases of extrajudicial, summary or arbitrary executions, including for any discriminatory reasons, to bring those responsible to justice before a competent, independent and impartial judiciary, and to ensure that such executions are neither condoned nor sanctioned by government officials or personnel".

86. Also at the 50th meeting, the representative of Finland made a statement, in which she requested separate votes on the amendments contained in document A/C.3/59/L.80.

87. At the same meeting, the Committee rejected the amendment proposed to paragraph 7 by a recorded vote of 74 to 60, with 26 abstentions. The voting was as follows:

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Colombia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kenya, Kuwait, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Somalia, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Grenada, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Angola, Azerbaijan, Bhutan, Bolivia, Burkina Faso, Burundi, Cape Verde, Congo, Ghana, Honduras, India, Israel, Kyrgyzstan, Lao People's Democratic Republic, Mauritius, Mongolia, Mozambique, Myanmar, Nepal, Russian

Federation, Senegal, Sierra Leone, South Africa, Sri Lanka, Tajikistan, United States of America.

88. Statements in explanation of vote were made before the vote by the representatives of Finland and Sweden and after the vote by the representative of Senegal (see A/C.3/59/SR.50).

89. The Committee then rejected the amendment proposed to operative paragraph 8 (c) by a recorded vote of 75 to 52, with 32 abstentions. The voting was as follows:

In favour:

Afghanistan, Algeria, Bahrain, Bangladesh, Botswana, Brunei Darussalam, China, Colombia, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ghana, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sudan, Syrian Arab Republic, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Grenada, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Angola, Azerbaijan, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Burkina Faso, Burundi, Cape Verde, Congo, Côte d'Ivoire, Equatorial Guinea, Ethiopia, Guyana, Honduras, India, Israel, Jamaica, Kyrgyzstan, Mongolia, Mozambique, Myanmar, Nepal, Russian Federation, Saint Lucia, Sri Lanka, Suriname, Tajikistan, Thailand, Trinidad and Tobago.

90. Also at its 50th meeting, the Committee proceeded to vote on operative paragraph 7 of draft resolution A/C.3/59/L.57/Rev.1. The paragraph was retained by a recorded vote of 84 to 41, with 39 abstentions. The voting was as follows:

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Finland, France, Gabon, Germany,

Greece, Grenada, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Against:

Afghanistan, Algeria, Antigua and Barbuda, Bahrain, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, China, Democratic People's Republic of Korea, Djibouti, Egypt, Ethiopia, Guyana, Indonesia, Iran (Islamic Republic of), Jamaica, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Morocco, Oman, Pakistan, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Somalia, Sudan, Suriname, Syrian Arab Republic, Uganda, United Arab Emirates, Viet Nam, Yemen, Zimbabwe.

Abstaining:

Bahamas, Belarus, Bolivia, Burkina Faso, Burundi, Cape Verde, Central African Republic, Colombia, Democratic Republic of the Congo, Eritrea, Ghana, Guinea-Bissau, India, Iraq, Israel, Japan, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Madagascar, Malawi, Mali, Mauritius, Mongolia, Mozambique, Nepal, Niger, Nigeria, Palau, Senegal, Sierra Leone, South Africa, Sri Lanka, Thailand, Togo, Tunisia, United States of America.

91. At the same meeting, the Committee voted on the words "including sexual orientation" after the words "for any discriminatory reason", in operative paragraph 8 (c) of draft resolution A/C.3/59/L.57/Rev.1, which were retained by a recorded vote of 93 to 42, with 29 abstentions. The voting was as follows:

In favour:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sri Lanka, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Against:

Afghanistan, Algeria, Bahrain, Bangladesh, Botswana, Brunei Darussalam, China, Comoros, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Gabon, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Morocco, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Singapore, Somalia, Sudan, Syrian Arab Republic, Turkmenistan, Uganda, United Arab Emirates, Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining:

Antigua and Barbuda, Barbados, Belarus, Belize, Bhutan, Bolivia, Burkina Faso, Burundi, Colombia, Congo, Côte d'Ivoire, Eritrea, Ghana, Iraq, Jamaica, Mali, Mozambique, Namibia, Nepal, Niger, Papua New Guinea, Russian Federation, Saint Lucia, Sierra Leone, South Africa, Suriname, Tajikistan, Togo, Tunisia.

92. Statements were made before the vote by the representatives of Finland, the Czech Republic and the United Kingdom of Great Britain and Northern Ireland; the representatives of Malaysia, the Sudan and the Syrian Arab Republic also made statements (see A/C.3/59/SR.50).

93. Also at the 50th meeting, the representative of the United States of America proposed an amendment to draft resolution A/C.3/59/L.57/Rev.1, by which operative paragraph 6 would be replaced by:

> "*Noting* that extrajudicial, summary or arbitrary executions are a crime under the Rome Statute of the International Criminal Court".

94. The representative of Finland made a statement in which she requested a vote on the amendment. The Committee rejected the amendment by a recorded vote of 117 to 4, with 41 abstentions. The voting was as follows:

In favour:

India, Nicaragua, Palau, United States of America.

Against:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chile, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Morocco, Mozambique, Namibia, Nauru, Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Somalia, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, the former Yugoslav Republic

of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe.

Abstaining:

Bahrain, Bangladesh, Bhutan, Bolivia, Brunei Darussalam, Burkina Faso, Burundi, China, Colombia, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Honduras, Indonesia, Iraq, Kuwait, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritania, Mongolia, Myanmar, Nepal, Niger, Oman, Pakistan, Papua New Guinea, Qatar, Rwanda, Saudi Arabia, Sierra Leone, Singapore, Sri Lanka, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, Viet Nam, Yemen.

95. At its 50th meeting, on 22 November, the Committee adopted draft resolution A/C.3/59/L.57/Rev.1, as orally revised, by a recorded vote of 130 to none, with 45 abstentions (see para. 145, draft resolution XV). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Zambia.

Against:

None.

Abstaining:

Bahrain, Bangladesh, Belarus, Botswana, Brunei Darussalam, China, Colombia, Comoros, Democratic People's Republic of Korea, Djibouti, Egypt, Ethiopia, Indonesia, Iran (Islamic Republic of), Iraq, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Oman, Pakistan, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syrian Arab Republic, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Viet Nam, Yemen, Zimbabwe.

Q. Draft resolution A/C.3/59/L.58

96. At the 48th meeting, on 19 November, the representative of Mexico, on behalf of Argentina, Chile, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Panama, Sierra Leone, Timor-Leste, Tunisia and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities" (A/C.3/59/L.58). Subsequently, Albania, Algeria, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, the Central African Republic, China, Colombia, the Congo, Côte d'Ivoire, Croatia, the Czech Republic, Cyprus, the Democratic Republic of the Congo, Denmark, Equatorial Guinea, Eritrea, Estonia, Finland, France, Gabon, the Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guinea, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Latvia, Lebanon, Liberia, the Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mauritius, Morocco, Namibia, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Paraguay, Peru, the Philippines, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Saint Vincent and the Grenadines, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay joined in sponsoring the draft resolution.

97. At the 53rd meeting, on 24 November, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/59/SR.53).

98. At the same meeting, the representative of Mexico orally revised the draft resolution as follows:

(a) Operative paragraph 4, which read:

"4. *Requests* the Ad Hoc Committee to increase its momentum in the current negotiations on the draft convention, with the aim of submitting it to the General Assembly at its sixtieth session",

was replaced by:

"4. *Invites* Member States and observers to continue to participate actively and constructively in the Ad Hoc Committee with a view to an early conclusion of a draft text of a convention, in order to submit it to the General Assembly, as a matter of priority, for its adoption";

(b) Operative paragraph 5, which read:

"5. *Decides* that the Ad Hoc Committee shall hold, within existing resources, two sessions of fifteen working days each in 2005, in January/February and in August, respectively, prior to the sixtieth session of the General Assembly",

was replaced by:

"5. *Decides* that the Ad Hoc Committee shall hold, within existing resources, prior to the sixtieth session of the General Assembly, two sessions

in 2005, of ten working days each, to be held, respectively, from 24 January to 4 February and in July/August";

(c) In operative paragraph 6, the words "substantive and" were deleted before the words "technical support"; and the words "invites them to organize, within existing resources, in close connection and timing with the meetings of the Ad Hoc Committee, meetings of experts and seminars in relation to the draft convention and to provide, in advance of the meetings of the Ad Hoc Committee, background documentation to assist Member States and observers in the negotiation of a draft convention" were replaced by the words "invites them to provide, in advance of the meetings of the Ad Hoc Committee, background documentation to assist Member States and observers in the negotiation of a draft convention, and to organize, in close connection and timing with the meetings and venue of the Ad Hoc Committee, meetings of experts and seminars in relation to the draft convention, within existing resources";

(d) In operative paragraph 7, the words "requests the Secretary-General to reallocate" were replaced by the words "invites the Secretary-General to reallocate";

(e) In operative paragraph 11, the words "guidelines applicable to" were replaced by the words "criteria for".

99. Also at its 53rd meeting, the Committee adopted draft resolution A/C.3/59/L.58, as orally revised, without a vote (see para. 145, draft resolution XVI).

100. After the adoption of the draft resolution, statements were made by the representatives of the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union), Costa Rica and the Republic of Korea (see A/C.3/59/SR.53).

R. Draft resolution A/C.3/59/L.59

101. At the 41st meeting, on 10 November, the representative of the Netherlands, on behalf of Andorra, Argentina, Australia, Austria, Belgium, Brazil, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Eritrea, Estonia, Ethiopia, Finland, France, Germany, Georgia, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Nicaragua, Norway, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Elimination of all forms of religious intolerance" (A/C.3/59/L.59). Subsequently, Albania, Armenia, Azerbaijan, Benin, Bolivia, Colombia, the Dominican Republic, El Salvador, Grenada, Haiti, Mali, Micronesia (Federated States of), Mozambique, Nauru, New Zealand, Palau, Panama, the Philippines, Serbia and Montenegro, Turkey, the United States of America and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution. Later, during the discussion, Cameroon, Mali, Senegal and Tunisia withdrew as sponsors.

102. At the 50th meeting, on 22 November, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/59/SR.50).

103. At the same meeting, the representative of the Netherlands, on behalf of States Members of the United Nations that are members of the European Union, orally revised the draft resolution as follows:

(a) A new penultimate preambular paragraph was added, reading:

"*Seriously concerned* at all attacks upon religious places, sites and shrines, including any deliberate destruction of relics and monuments";

(b) In operative paragraph 10, the words "*Expresses its grave concern* at all attacks upon religious places, sites and shrines, and calls upon all States" were replaced by the words "*Further urges* States to exert their utmost efforts"; and the words "to exert their utmost efforts to ensure that such places" were replaced by the words "to ensure that religious places".

104. At the same meeting, the representative of Pakistan, on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference, proposed amendments to operative paragraph 9 of draft resolution A/C.3/59/L.59, by which the words "religious communities" would be replaced by the words "religious and other communities"; and the words "by Islamophobia, anti-Semitism and Christianophobia" would be rearranged to read "by Christianophobia, Islamophobia and anti-Semitism".

105. Also at the 50th meeting, the Committee rejected the proposed amendments by a recorded vote of 85 to 45, with 29 abstentions. The voting was as follows:

In favour:

Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei Darussalam, Cameroon, Comoros, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Equatorial Guinea, Gambia, Guinea, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syrian Arab Republic, Tajikistan, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Yemen, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Haiti, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of

Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Angola, Barbados, Belize, Benin, Bhutan, Burkina Faso, Burundi, Guyana, Honduras, Iraq, Jamaica, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mongolia, Mozambique, Nigeria, Papua New Guinea, Philippines, Russian Federation, Rwanda, Saint Lucia, Solomon Islands, Sri Lanka, Suriname, Togo, Trinidad and Tobago.

106. Before the vote, statements were made by the representatives of Malaysia and the Netherlands (see A/C.3/59/SR.50).

107. At the same meeting, the Committee voted on operative paragraph 9 of draft resolution A/C.3/59/L.59. The paragraph was retained by a recorded vote of 99 to 33, with 21 abstentions. The voting was as follows:

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Against:

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Djibouti, Egypt, Gambia, Guinea, Indonesia, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Somalia, Sudan, Syrian Arab Republic, Turkmenistan, Uganda, United Arab Emirates, Yemen, Zimbabwe.

Abstaining:

Angola, Barbados, Belarus, Belize, Benin, Burundi, Cameroon, China, Democratic People's Republic of Korea, Equatorial Guinea, Iraq, Jamaica, Malawi, Mongolia, Nigeria, Rwanda, Saint Lucia, Sri Lanka, Suriname, Swaziland, Togo.

108. After the vote, the representative of India made a statement (see A/C.3/59/SR.50).

109. Also at the 50th meeting, the Committee adopted draft resolution A/C.3/59/L.59, as orally revised, by a recorded vote of 177 to none (see para. 145, draft resolution XVII). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

None.

110. Before the adoption of the draft resolution, a statement was made by the representative of the Netherlands; after the adoption of the draft resolution, a statement was made by the representative of Malaysia (see A/C.3/59/SR.50).

111. Statements in explanation of vote were made after the vote by the representatives of Indonesia, the Niger and Israel (see A/C.3/59/SR.50).

S. Draft resolution A/C.3/59/L.61

112. At the 41st meeting, on 10 November, the representative of France, on behalf of Andorra, Argentina, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Cameroon, the Central African Republic, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Eritrea, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, Monaco, the Netherlands, New Zealand, the Niger, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Question of enforced or involuntary disappearances" (A/C.3/59/L.61). Subsequently, Afghanistan, Albania, Angola, Armenia, Bosnia and Herzegovina, Botswana, the Congo, the Dominican Republic, Gabon, Grenada, Guinea-Bissau, Haiti, Iraq, Mauritius, Serbia and Montenegro, South Africa and Timor-Leste joined in sponsoring the draft resolution.

113. At its 44th meeting, on 16 November, the Committee was advised that the draft resolution had no programme budget implications.

114. Also at the 44th meeting, the representative of the United States of America proposed an amendment, by which the seventh preambular paragraph would be replaced by:

> "*Recognizing* that forced disappearance is a crime against humanity under international law and that States and the relevant organs of the United Nations have a responsibility to ensure that those responsible are brought to justice through appropriate domestic or international judicial processes".

115. At the same meeting, the Committee rejected the amendment by a recorded vote of 114 to 3, with 32 abstentions. The voting was as follows:[4]

In favour:

Guinea, Guinea-Bissau, United States of America.

Against:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Panama,

[4] The delegations of Guinea, Guinea-Bissau and Saint Vincent and the Grenadines subsequently indicated that they had intended to vote against the amendment.

Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sudan, Suriname, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam.

Abstaining:

Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cape Verde, Haiti, Indonesia, Israel, Kazakhstan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mauritania, Myanmar, Nepal, Pakistan, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Syrian Arab Republic, Thailand, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

116. Also at the 44th meeting, the Committee adopted draft resolution A/C.3/59/L.61 without a vote (see para. 145, draft resolution XVIII).

117. After the adoption of the draft resolution, statements were made by the representatives of the Sudan and the United States of America (see A/C.3/59/SR.44).

T. Draft resolution A/C.3/59/L.62 and amendments thereto contained in document A/C.3/59/L.77

118. At the 41st meeting, on 10 November, the representative of Romania, on behalf of Austria, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine and the United States of America, introduced a draft resolution entitled "Enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy" (A/C.3/59/L.62). Subsequently, Albania, Armenia, Australia, Belgium, Denmark, the Dominican Republic, Ecuador, Estonia, Georgia, Guatemala, Iceland, India, Iraq, Liechtenstein, Mexico, Micronesia (Federated States of), Mongolia, New Zealand, Nigeria, Norway, Panama, San Marino, Senegal, Serbia and Montenegro, Spain, Sweden, Switzerland, Thailand, the United Kingdom of Great Britain and Northern Ireland and Uruguay joined in sponsoring the draft resolution.

119. At its 53rd meeting, on 24 November, the Committee was advised that the draft resolution had no programme budget implications.

120. At the same meeting, the representative of Romania orally revised the draft resolution as follows:

(a) A new first preambular paragraph was inserted, reading:

"*Reaffirming* the purposes and principles of the Charter of the United Nations";

(b) Two new preambular paragraphs were inserted after the second preambular paragraph, reading:

"*Recalling* that all peoples have the right to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development,

"*Reaffirming* our resolve, expressed, inter alia, in the United Nations Millennium Declaration, to implement the principles and practices of democracy, and recognizing the diverse nature of the community of the world's democracies";

(c) In operative paragraph 8, the word "relevant" was deleted before the words "non-governmental organizations";

(d) In operative paragraph 10, the words "or to implement measures for the collective defence of democracy in the event of a serious disturbance or disruption of the democratic system" were deleted after the words "democratic institutions".

121. Also at the 53rd meeting, the representative of Cuba introduced amendments to draft resolution A/C.3/59/L.62 contained in document A/C.3/59/L.77, and withdrew all the amendments proposed therein with the exception of the amendment contained in paragraph 4, by which operative paragraph 5 of draft resolution A/C.3/59/L.62, which read:

"5. *Also acknowledges* that democracy contributes to the realization of all human rights and that there is a close link between democracy and good governance, on the one hand, and economic development and poverty alleviation, on the other",

would be replaced by:

"5. *Reaffirms* that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing, that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives and, in that context, that the promotion and protection of human rights and fundamental freedoms at the national, regional and international levels should be universal and conducted without conditions attached".

122. At the same meeting, the representative of Romania accepted the proposed amendment to the draft resolution and proposed revising it further, by adding the following words at the end of the paragraph: "the international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world".

123. The representative of Cuba accepted the revision to new operative paragraph 5 and requested a recorded vote on draft resolution A/C.3/59/L.62, as orally revised and amended.

124. Also at the 53rd meeting, the Committee adopted draft resolution A/C.3/59/L.62, as orally revised and amended, by a recorded vote of 161 to none, with 20 abstentions (see para. 145, draft resolution XIX). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Yemen.

Against:

None.

Abstaining:

Belarus, Bhutan, Burkina Faso, China, Cuba, Democratic People's Republic of Korea, Grenada, Guinea-Bissau, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Saudi Arabia, Syrian Arab Republic, Turkmenistan, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe.

125. Statements were made before the vote by the representatives of Cuba and the Bolivarian Republic of Venezuela; statements in explanation of vote were made after the vote by the representatives of Egypt, Cuba, China and the Sudan (see A/C.3/59/SR.53).

126. The representative of Malaysia made a statement (see A/C.3/59/SR.53).

U. Draft resolution A/C.3/59/L.64/Rev.1

127. At the 44th meeting, on 16 November, the representative of Cuba, on behalf of Algeria, Andorra, Angola, Antigua and Barbuda, Austria, Azerbaijan, Bangladesh, Belarus, Bhutan, Botswana, Brazil, Burundi, Cameroon, Cape Verde, the Central African Republic, China, the Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, the Democratic Republic of the Congo, Djibouti, Dominica, Ecuador, El Salvador,

Eritrea, Ethiopia, Finland, France, the Gambia, Germany, Greece, Ghana, Guatemala, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Kenya, the Lao People's Democratic Republic, Lesotho, the Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, the Niger, Nigeria, Norway, Pakistan, Paraguay, Peru, the Philippines, Portugal, Qatar, Romania, the Russian Federation, Rwanda, Saint Lucia, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovenia, South Africa, the Sudan, Suriname, the Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Uganda, the United Republic of Tanzania, Venezuela (Bolivarian Republic of), Viet Nam, Zambia and Zimbabwe, introduced a draft resolution entitled "The right to food" (A/C.3/59/L.64/Rev.1). Subsequently, Armenia, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Chile, Croatia, the Dominican Republic, Grenada, Guinea, Haiti, Iceland, Jamaica, Kazakhstan, Lebanon, Liechtenstein, Lithuania, Malaysia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Somalia, Spain, Swaziland, Switzerland, Tajikistan, Timor-Leste, Trinidad and Tobago and Tunisia joined in sponsoring the draft resolution.

128. At the 49th meeting, on 19 November, the Secretary of the Committee read out a statement regarding the financial implications of the draft resolution.

129. At the same meeting, the representative of Equatorial Guinea made a statement in which he proposed an amendment, which was subsequently withdrawn (see A/C.3/59/SR.49).

130. At the same meeting, the representative of Cuba announced that Malaysia had withdrawn as a sponsor of the draft resolution.

131. Also at the same meeting, statements were made by the representatives of Malaysia and the Bolivarian Republic of Venezuela (see A/C.3/59/SR.49).

132. Also at the 49th meeting, the Committee adopted draft resolution A/C.3/59/L.64/Rev.1 by a recorded vote of 167 to 2 (see para. 145, draft resolution XX). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New

Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

None.

133. Statements in explanation of vote were made before the vote by the representatives of the United States of America and Israel; statements in explanation of vote were made after the vote by the representatives of Japan and the Democratic People's Republic of Korea (see A/C.3/59/SR.49).

V. Draft resolution A/C.3/59/L.65

134. At the 44th meeting, on 16 November, the representative of Cuba, also on behalf of Ecuador and El Salvador, introduced a draft resolution entitled "Respect for the right to universal freedom of travel and the vital importance of family reunification" (A/C.3/59/L.65). Subsequently, Jamaica, Nigeria and the Sudan joined in sponsoring the draft resolution.

135. At its 46th meeting, on 18 November, the Committee was advised that the draft resolution had no programme budget implications.

136. At the same meeting, the representative of Cuba orally revised the draft resolution by deleting operative paragraph 5, which read:

> "5. *Requests* the United Nations High Commissioner for Human Rights to request comments from Governments, intergovernmental and non-governmental organizations on the implementation of the present resolution and to submit a report on her findings for the consideration of the Assembly at its sixty-first session",

and renumbering the remaining paragraph accordingly.

137. Also at the 46th meeting, the Committee adopted draft resolution A/C.3/59/L.65, as orally revised, by a recorded vote of 107 to 3, with 63 abstentions (see para. 145, draft resolution XXI). The voting was as follows:[5]

[5] The delegation of Bolivia subsequently indicated that, had it been present, it would have voted in favour of the draft resolution.

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Gabon, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Palau, United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Canada, Congo, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uzbekistan.

138. A statement in explanation of vote was made before the vote by the representative of the United States of America; a statement in explanation of vote was made after the vote by the representative of Mexico (see A/C.3/59/SR.46).

139. The representative of Cuba made a statement (see A/C.3/59/SR.46).

W. Draft resolution A/C.3/59/L.66

140. At the 44th meeting, on 16 November, the representative of Cuba, on behalf of Algeria, Angola, Belarus, Burkina Faso, Cameroon, China, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea-Bissau, Iran (Islamic Republic of), Kenya, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Malawi, Myanmar, Nigeria, Pakistan, Saint Lucia, the Sudan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "Respect for the purposes and principles contained in the Charter of the United Nations to achieve international

cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character" (A/C.3/59/L.66). Subsequently, Cambodia, Grenada, Suriname, Swaziland and the United Republic of Tanzania joined in sponsoring the draft resolution.

141. At its 49th meeting, on 19 November, the Committee was advised that the draft resolution had no programme budget implications.

142. At the same meeting, the representative of Cuba orally revised the draft resolution by replacing the words "human rights and humanitarian law" by the words "human rights law and international humanitarian law" in the ninth preambular paragraph and in operative paragraph 6.

143. Also at the 49th meeting, the Committee adopted draft resolution A/C.3/59/L.66, as orally revised, by a recorded vote of 106 to 54, with 10 abstentions (see para. 145, draft resolution XXII). The voting was as follows.[6]

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Armenia, Australia, Austria, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

[6] The delegation of Belgium subsequently indicated that it had intended to vote against the draft resolution.

Abstaining:

Argentina, Brazil, Chile, Haiti, Iraq, Paraguay, Peru, Singapore, Thailand, Uruguay.

144. Statements in explanation of vote were made before the vote by the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union) and Australia, also on behalf of Canada and New Zealand (see A/C.3/59/SR.49).

III. Recommendations of the Third Committee

145. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Subregional Centre for Human Rights and Democracy in Central Africa

The General Assembly,

Recalling its resolution 55/105 of 4 December 2000, concerning regional arrangements for the promotion and protection of human rights,

Recalling also its resolution 58/176 of 22 December 2003 on the Subregional Centre for Human Rights and Democracy in Central Africa,

Recalling further its resolutions 55/34 B of 20 November 2000 and 55/233 of 23 December 2000 and section III of its resolution 55/234 of 23 December 2000,

Recalling that the World Conference on Human Rights recommended that more resources be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,[1]

Recalling also the report of the United Nations High Commissioner for Human Rights,[2]

Taking note of the holding of the twenty-first ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, in Malabo, from 21 to 25 June 2004,

1. *Welcomes* the activities of the Subregional Centre for Human Rights and Democracy in Central Africa at Yaoundé;

2. *Notes with satisfaction* the support provided for the establishment of the Centre by the host country;

3. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide adequate assistance for the proper functioning of the Centre;

4. *Requests* the Secretary-General to submit to the General Assembly at its sixtieth session a report on the implementation of the present resolution.

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[1] See A/CONF.157/24 (Part i), chap. III.

[2] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 36* and corrigendum and addendum (A/56/36 and Corr.1 and Add.1).

Draft resolution II
Globalization and its impact on the full enjoyment of all human rights

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and expressing in particular the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recalling the Universal Declaration of Human Rights,[1] as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2]

Recalling also the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3]

Recalling further the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling the United Nations Millennium Declaration[4] and the outcome documents of the twenty-third[5] and twenty-fourth[6] special sessions of the General Assembly, held, respectively, in New York from 5 to 10 June 2000 and in Geneva from 26 June to 1 July 2000,

Recalling also its resolution 58/193 of 22 December 2003,

Recalling further Commission on Human Rights resolution 2004/24 of 16 April 2004 on globalization and its impact on the full enjoyment of human rights,[7]

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Realizing that globalization affects all countries differently and makes them more exposed to external developments, positive as well as negative, inter alia, in the field of human rights,

Realizing also that globalization is not merely an economic process, but that it also has social, political, environmental, cultural and legal dimensions, which have an impact on the full enjoyment of all human rights,

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[1] Resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.
[3] See resolution 2200 A (XXI), annex.
[4] See resolution 55/2.
[5] Resolution S-23/2, annex, and resolution S-23/3, annex.
[6] Resolution S-24/2, annex.
[7] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

Realizing further the need to undertake a thorough, independent and comprehensive assessment of the social, environmental and cultural impact of globalization on societies,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, and convinced that, in their rich variety and diversity and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind, and aware that the risk of a global monoculture poses more of a threat if the developing world remains poor and marginalized,

Recognizing also that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

Expressing concern at the negative impact of international financial turbulence on social and economic development and on the full enjoyment of all human rights,

Deeply concerned that the widening gap between the developed and the developing countries, and within countries, has contributed, inter alia, to deepening poverty and has adversely affected the full enjoyment of all human rights, in particular in developing countries,

Noting that human beings strive for a world that is respectful of human rights and cultural diversity and that, in this regard, they work to ensure that all activities, including those affected by globalization, are consistent with those aims,

1. *Recognizes* that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

2. *Reaffirms* that narrowing the gap between rich and poor, both within and between countries, is an explicit goal at the national and international levels, as part of the effort to create an enabling environment for the full enjoyment of all human rights;

3. *Reaffirms also* the commitment to create an environment at both the national and global levels that is conducive to development and to the elimination of poverty through, inter alia, good governance within each country and at the international level, transparency in the financial, monetary and trading systems and commitment to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system;

4. *Recognizes* that, while globalization offers great opportunities, the fact that its benefits are very unevenly shared and its costs unevenly distributed represents an aspect of the process that affects the full enjoyment of all human rights, in particular in developing countries;

5. *Welcomes* the report of the United Nations High Commissioner for Human Rights on globalization and its impact on the full enjoyment of human rights,[8] which focuses on the liberalization of agricultural trade and its impact on the realization of the right to development, including the right to food, and takes note of the conclusions and recommendations contained therein;

[8] E/CN.4/2002/54.

6. *Calls upon* Member States, relevant agencies of the United Nations system, intergovernmental organizations and civil society to promote equitable and environmentally sustainable economic growth for managing globalization so that poverty is systematically reduced and the international development targets are achieved;

7. *Recognizes* that only through broad and sustained efforts, including policies and measures at the global level to create a shared future based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable and have a human face, thus contributing to the full enjoyment of all human rights;

8. *Underlines* the urgent need to establish an equitable, transparent and democratic international system in which poor people and countries have a more effective voice;

9. *Affirms* that globalization is a complex process of structural transformation, with numerous interdisciplinary aspects, which has an impact on the enjoyment of civil, political, economic, social and cultural rights, including the right to development;

10. *Affirms also* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all;

11. *Underlines*, therefore, the need to continue to analyse the consequences of globalization for the full enjoyment of all human rights;

12. *Takes note* of the report of the Secretary-General,[9] and requests the Secretary-General to seek further the views of Member States and relevant agencies of the United Nations system and to submit a substantive report on this subject to the General Assembly at its sixtieth session.

[9] A/59/320.

Draft resolution III
The right to development

The General Assembly,

Guided by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom, as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling that the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and the individual as the central subject and beneficiary of development,

Stressing that the Vienna Declaration and Programme of Action[1] reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development,

Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,[2]

Welcoming the framework modalities agreed at the General Council meeting of the World Trade Organization in Geneva on 1 August 2004 in key areas such as agriculture, market access for non-agricultural products, trade facilitation, development and services,

Welcoming also the outcome of the eleventh session of the United Nations Conference on Trade and Development held at São Paulo, Brazil, from 13 to 18 June 2004, on the theme "Enhancing the coherence between national development strategies and global economic processes towards economic growth and development, particularly of developing countries",

Recalling all its previous resolutions and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998,[3] on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Recalling also the Thirteenth Conference of Heads of State or Government of the Non-Aligned Movement, held at Kuala Lumpur from 20 to 25 February 2003, and the Fourteenth Ministerial Conference of the Movement of Non-Aligned Countries, held at Durban, South Africa, from 17 to 19 August 2004,

Reiterating its continuing support for the New Partnership for Africa's Development[4] as a development framework for Africa,

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[1] A/CONF.157/24 (Part I), chap. III.

[2] See resolution 55/2.

[3] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[4] A/57/304, annex.

Recognizing that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

Stressing that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the millennium development goal of halving, by 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

1. *Endorses* the agreed conclusions and recommendations adopted by the Working Group on the Right to Development at its fifth session,[5] and calls for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors;

2. *Welcomes* the establishment of a high-level task force on the implementation of the right to development within the framework of the Working Group to assist the Working Group to fulfil its mandate, and looks forward to the consideration by the Working Group of its concrete recommendations at its next session;

3. *Calls upon* the Working Group and, through it, its high-level task force, to contribute actively towards the mainstreaming of the right to development at the high-level event to be held in New York at the commencement of the sixtieth session of the General Assembly, at which a comprehensive review will be undertaken of the progress made in the fulfilment of all the commitments contained in the United Nations Millennium Declaration,[2] including the internationally agreed development goals and the global partnership required for their achievement;

4. *Stresses* the importance of the core principles contained in the conclusions of the third session of the Working Group,[6] congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

5. *Notes with concern* that the Subcommission on the Promotion and Protection of Human Rights at its fifty-sixth session did not consider the working paper identifying and analysing possible alternatives, and requests the Subcommission, without further delay, to submit to the Commission at its sixty-second session the concept document establishing options for the implementation of the right to development and their feasibility;

6. *Takes note* of the convening and outcome of the Social Forum held at Geneva on 22 and 23 July 2004 on the theme "Poverty, rural poverty and human rights" and the strong support extended to it by the Subcommission on the Promotion and Protection of Human Rights, and invites all stakeholders, including Member States, to participate actively in its subsequent sessions;

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[5] E/CN.4/2004/23 and Corr.1, paras. 41-51.

[6] E/CN.4/2002/28/Rev.1, sect. VIII.A.

7. *Reaffirms* the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set in those outcome documents;

8. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action,[1] which regards all human rights as universal, indivisible, interdependent and interrelated, places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

9. *Stresses* that the basic responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

10. *Reaffirms* that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and their commitment to cooperating with each other to that end;

11. *Also reaffirms* the need for an international environment that is conducive to the realization of the right to development;

12. *Stresses* the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels, and calls upon States to institute the measures required for the implementation of the right to development as a fundamental human right;

13. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and international levels;

14. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

15. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

16. *Underlines* the fact that the international community is far from meeting the target set in the United Nations Millennium Declaration[2] of halving the number of people living in poverty by 2015, reaffirms the commitment made to meet that target, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

17. *Urges* developed countries that have not yet done so to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help to meet development goals and targets;

18. *Recognizes* the need to address market access for developing countries, including in agriculture, services and non-agricultural products, in particular those of interest to developing countries;

19. *Calls for* the implementation of a desirable pace of meaningful trade liberalization, including in areas under negotiation; implementation of commitments on implementation-related issues and concerns; review of special and differential-treatment provisions, with a view to strengthening them and making them more precise, effective and operational; avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries as important issues in making progress towards the effective implementation of the right to development;

20. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development, stresses, in this regard, the need for good governance and broadening the base of decision-making at the international level on issues of development concern and to fill organizational gaps, as well as strengthen the United Nations system and other multilateral institutions, and also stresses the need to broaden and strengthen the participation of developing countries and economies in transition in international economic decision-making and norm-setting;

21. *Also recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

22. *Further recognizes* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between women's education and their equal participation in the civil, cultural, economic, political and social activities of the community and the promotion of the right to development;

23. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes, and for ensuring the protection and promotion of those rights, especially in areas relating to health, education and the full development of their capacities;

24. *Also stresses* that further and additional measures must be taken at the national and international levels to fight HIV/AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

25. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for good corporate social responsibility;

26. *Emphasizes* the urgent need for taking concrete measures to fight against all forms of corruption at the national and international levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify as soon as possible, and States parties to implement effectively, the United Nations Convention against Corruption;[7]

27. *Also emphasizes* the need to strengthen further the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including ensuring effective use of the financial and human resources necessary to fulfil its mandate, and calls upon the Secretary-General to provide the Office of the High Commissioner with the necessary resources;

28. *Reaffirms* the request to the High Commissioner, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, and to reflect those activities in detail in her report to the Commission on Human Rights at its sixty-first session;

29. *Calls upon* the United Nations agencies, funds and programmes, as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives;

30. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

31. *Also requests* the Secretary-General to submit a report to the General Assembly at its sixtieth session and an interim report to the Commission on Human Rights at its sixty-first session on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invites the Chairperson of the Working Group on the Right to Development to present a verbal update to the General Assembly at its sixtieth session.

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[7] Resolution 58/4, annex.

Draft resolution IV
Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights[2] and other human rights instruments adopted by the United Nations,

Recalling its resolutions 47/196 of 22 December 1992, by which it declared 17 October the International Day for the Eradication of Poverty, and 50/107 of 20 December 1995, by which it proclaimed the First United Nations Decade for the Eradication of Poverty (1997-2006), as well as its resolution 57/211 of 18 December 2002 and its previous resolutions on human rights and extreme poverty, in which it reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them,

Recalling also its resolution 52/134 of 12 December 1997, in which it recognized that the enhancement of international cooperation in the field of human rights was essential for the understanding, promotion and protection of all human rights,

Deeply concerned that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations, such as hunger, trafficking in human beings, disease, lack of adequate shelter, illiteracy and hopelessness, are particularly severe in developing countries, while acknowledging the significant progress made in several parts of the world in combating extreme poverty,

Recalling Commission on Human Rights resolution 2004/23 of 16 April 2004,[3] as well as resolution 2004/7 of 9 August 2004 of the Subcommission on the Promotion and Protection of Human Rights,[4]

Welcoming the meeting of world leaders for action against hunger and poverty of 20 September 2004, convened by the Presidents of Brazil, Chile and France and the Prime Minister of Spain with the support of the Secretary-General,

Recognizing that the eradication of extreme poverty is a major challenge within the process of globalization and requires coordinated and continued policies through decisive national action and international cooperation,

Reaffirming that, since the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and might, in some situations, constitute a threat to the right to life, its immediate alleviation and eventual eradication must remain a high priority for the international community,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[4] E/CN.4/2005/2-E/CN.4/Sub.2/2004/48, chap. II, sect. A.

Reaffirming also that democracy, development and the full and effective enjoyment of human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty,

Noting with interest the extension for a period of two years of the mandate of the independent expert on the question of human rights and extreme poverty,

1. *Reaffirms* that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. *Also reaffirms* that it is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in the promotion of human rights and in efforts to combat extreme poverty, and that it is essential for people living in poverty and vulnerable groups to be empowered to organize themselves and to participate in all aspects of political, economic and social life, in particular the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development;

3. *Emphasizes* that extreme poverty is a major issue to be addressed by Governments, civil society and the United Nations system, including international financial institutions, and in this context reaffirms that political commitment is a prerequisite for the eradication of poverty;

4. *Reaffirms* that the existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

5. *Recognizes* the need to promote respect for human rights and fundamental freedoms in order to address the most pressing social needs of people living in poverty, including through the design and development of appropriate mechanisms to strengthen and consolidate democratic institutions and governance;

6. *Reaffirms* the commitments contained in the United Nations Millennium Declaration,[5] in particular the commitments to spare no effort to fight against extreme poverty and to achieve development and poverty eradication, including the commitment to halve, by 2015, the proportion of the world's people whose income is less than one United States dollar a day and the proportion of people who suffer from hunger;

7. *Invites* the United Nations High Commissioner for Human Rights, within the framework of the implementation of the United Nations Decade for the Eradication of Poverty, to continue to give appropriate attention to the question of human rights and extreme poverty;

8. *Welcomes* the efforts of entities throughout the United Nations system to incorporate the Millennium Declaration and the internationally agreed development goals set out therein into their work;

9. *Requests* the independent expert on the question of human rights and extreme poverty to forward his reports on his activities, which he will submit to the Commission on Human Rights at its sixty-first and sixty-second sessions, to the General Assembly at its sixty-first session;

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[5] See resolution 55/2.

10. *Calls upon* States, United Nations bodies, in particular the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, intergovernmental organizations and non-governmental organizations to continue to give appropriate attention to the links between human rights and extreme poverty;

11. *Decides* to consider this question further at its sixty-first session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

Draft resolution V
Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1] for enhancing genuine cooperation among Member States in the field of human rights,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000[2] and its resolution 58/170 of 22 December 2003, and taking note of Commission on Human Rights resolution 2004/63 of 21 April 2004 on the enhancement of international cooperation in the field of human rights,[3]

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, and its role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

Recalling the adoption of resolution 2000/22 of 18 August 2000, on the promotion of dialogue on human rights issues, by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,[4]

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

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[1] A/CONF.157/24 (Part I), chap. III.

[2] See resolution 55/2.

[3] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[4] See E/CN.4/2001/2-E/CN.4/Sub.2/2000/46, chap. II, sect. A.

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in this field, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

9. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

10. *Decides* to continue its consideration of this question at its sixtieth session.

Draft resolution VI
Human rights and unilateral coercive measures

The General Assembly,

Recalling all its previous resolutions, the most recent of which was resolution 58/171 of 22 December 2003, and Commission on Human Rights resolution 2004/22 of 16 April 2004,[1]

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report of the Secretary-General,[2] submitted pursuant to Commission on Human Rights resolution 1999/21 of 23 April 1999,[3] and the reports of the Secretary-General on the implementation of resolutions 52/120 of 12 December 1997[4] and 55/110 of 4 December 2000,[5]

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,[6]

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995,[7] the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995,[8] the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[9] and their five-year reviews,

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[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[2] E/CN.4/2000/46 and Add.1.

[3] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[4] A/53/293 and Add.1.

[5] A/56/207 and Add.1.

[6] See A/CONF.157/24 (Part I), chap. III, sect. I, para. 31.

[7] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[8] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[9] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

Expressing its concern about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

Expressing its grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women and children, including adolescents,

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly and recent major United Nations conferences, and contrary to general international law and the Charter, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Noting the continuing efforts of the open-ended Working Group on the Right to Development of the Commission on Human Rights, and reaffirming in particular its criteria, according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,[10]

1. *Urges* all States to refrain from adopting or implementing any unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[11] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Also urges* all States to take steps to avoid and to refrain from adopting any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

3. *Invites* all States to consider adopting administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

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[10] Resolution 41/128, annex.

[11] Resolution 217 A (III).

4. *Rejects* unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

5. *Calls upon* Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest time possible;

6. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

7. *Urges* the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including the enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

8. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in her annual report to the General Assembly;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly at its sixtieth session, highlighting the practical and preventive measures in this respect;

10. *Decides* to examine this question on a priority basis at its sixtieth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

Draft resolution VII
Missing persons

The General Assembly,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by the principles and norms of international humanitarian law, in particular the Geneva Conventions of 12 August 1949[1] and the Additional Protocols thereto, of 1977,[2] as well as international standards of human rights, in particular the Universal Declaration of Human Rights,[3] the International Covenant on Economic, Social and Cultural Rights,[4] the International Covenant on Civil and Political Rights,[4] the Convention on the Rights of the Child[5] and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[6]

Recalling its resolution 57/207 of 18 December 2002 and Commission on Human Rights resolutions 2002/60 of 25 April 2002[7] and 2004/50 of 20 April 2004,[8]

Noting with deep concern that armed conflicts are continuing in various parts of the world, often resulting in serious violations of international humanitarian law and human rights law,

Recognizing that great technological progress has been achieved in the field of DNA forensic sciences with regard to missing persons, such as the work done by the International Commission on Missing Persons, based in Sarajevo, which could significantly assist efforts to identify missing persons from other conflict areas in the world,

Noting in this regard that the issue of persons reported missing in connection with international armed conflicts, in particular those who are victims of serious violations of international humanitarian law and human rights law, continues to have a negative impact on efforts to put an end to those conflicts,

Welcoming the convening in Geneva, from 19 to 21 February 2003, by the International Committee of the Red Cross of the International Conference of Governmental and Non-Governmental Experts on "The missing: action to resolve the problem of people unaccounted for as a result of armed conflict or internal violence and to assist their families" and its observations on and recommendations for addressing the problem of missing persons and of their families,[9]

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[1] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[2] Ibid., vol. 1125, Nos. 17512 and 17513.

[3] Resolution 217 A (III).

[4] See resolution 2200 A (XXI), annex.

[5] Resolution 44/25, annex.

[6] A/CONF.157/24 (Part I), chap. III.

[7] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[8] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[9] See International Committee of the Red Cross, *28th International Conference of the Red Cross and Red Crescent, Geneva, 2-6 December 2003* (Geneva, 2004), resolution 1.

Welcoming also the undertakings by the participants at the twenty-eighth International Conference of the Red Cross and Red Crescent, held in Geneva from 2 to 6 December 2003, through their adoption of the Agenda for Humanitarian Action,[9] in particular its general objective 1, on respecting and restoring the dignity of persons missing as a result of armed conflicts or other situations of armed violence and of their families,

1. *Urges* States strictly to observe and respect and ensure respect for the rules of international humanitarian law, as set out in the Geneva Conventions of 1949[1] and in the Additional Protocols thereto, of 1977;[2]

2. *Calls upon* States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with armed conflict and to account for persons reported missing as a result of such a situation;

3. *Reaffirms* the right of families to know the fate of their relatives reported missing in connection with armed conflicts;

4. *Also reaffirms* that each party to an armed conflict, as soon as circumstances permit and, at the latest, from the end of active hostilities, shall search for the persons who have been reported missing by an adverse party;

5. *Calls upon* States which are parties to an armed conflict to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with the armed conflict;

6. *Requests* States to pay the utmost attention to cases of children reported missing in connection with armed conflicts and to take appropriate measures to search for and identify those children;

7. *Invites* States which are parties to an armed conflict to cooperate fully with the International Committee of the Red Cross in establishing the fate of missing persons and to adopt a comprehensive approach to this issue, including all practical and coordination mechanisms that may be necessary, based on humanitarian considerations only;

8. *Urges* States and encourages intergovernmental and non-governmental organizations to take all necessary measures at the national, regional and international levels to address the problem of persons reported missing in connection with armed conflicts and to provide appropriate assistance as requested by the States concerned;

9. *Invites* relevant human rights mechanisms and procedures, as appropriate, to address the problem of persons reported missing in connection with armed conflicts in their forthcoming reports to the General Assembly;

10. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations;

11. *Also requests* the Secretary-General to submit a comprehensive report on the implementation of the present resolution to the Commission on Human Rights at its sixty-second session and to the General Assembly at its sixty-first session;

12. *Decides* to consider this question at its sixty-first session.

Draft resolution VIII
Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

The General Assembly,

Bearing in mind that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Desirous of achieving further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms,

Considering that such international cooperation should be based on the principles embodied in international law, especially the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other relevant instruments,

Deeply convinced that United Nations action in this field should be based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them, in strict compliance with the purposes and principles of the Charter and for the basic purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Recalling its previous resolutions in this regard,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, as affirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[3]

Affirming the importance of the objectivity, independence and discretion of the special rapporteurs and representatives on thematic issues and on countries, as well as of the members of the working groups, in carrying out their mandates,

Underlining the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially the Charter, as well as various international instruments in the field of human rights,

1. *Reiterates* that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/CONF.157/24 (Part I), chap. III.

has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity;

2. *Reaffirms* that it is a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. *Calls upon* all Member States to base their activities for the promotion and protection of human rights, including the development of further international cooperation in this field, on the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[2] the International Covenant on Civil and Political Rights[2] and other relevant international instruments, and to refrain from activities that are inconsistent with that international framework;

4. *Considers* that international cooperation in this field should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

5. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms, as a legitimate concern of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

6. *Requests* all human rights bodies within the United Nations system, as well as the special rapporteurs and representatives, independent experts and working groups, to take duly into account the contents of the present resolution in carrying out their mandates;

7. *Expresses its conviction* that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms;

8. *Stresses*, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events of all countries;

9. *Invites* Member States to consider adopting, as appropriate, within the framework of their respective legal systems and in accordance with their obligations under international law, especially the Charter, and international human rights instruments, the measures that they may deem appropriate to achieve further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms;

10. *Requests* the Commission on Human Rights to take duly into account the present resolution and to consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity;

11. *Takes note* of the report of the Secretary-General,[4] and requests the Secretary-General to invite Member States and intergovernmental and non-governmental organizations to present further practical proposals and ideas that would contribute to the strengthening of United Nations action in the field of human rights, through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity, and to submit a comprehensive report on this question to the General Assembly at its sixtieth session;

12. *Decides* to consider this matter at its sixty-first session under the agenda item entitled "Human rights questions".

[4] A/59/327.

Draft resolution IX
Protection of human rights and fundamental freedoms while countering terrorism

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Recalling that States are under the obligation to protect all human rights and fundamental freedoms of all persons, and deploring violations of human rights and fundamental freedoms in the context of the fight against terrorism,

Recognizing that the respect for human rights, the respect for democracy and the respect for the rule of law are interrelated and mutually reinforcing,

Noting the declarations, statements and recommendations of a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,

Recalling its previous resolutions 57/219 of 18 December 2002 and 58/187 of 22 December 2003 as well as Commission on Human Rights resolutions 2003/68 of 25 April 2003[1] and 2004/87 of 21 April 2004[2] and other relevant resolutions of the General Assembly and the Commission on Human Rights,

Recalling also its resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

Reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity and the security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Noting the declaration on the issue of combating terrorism contained in the annex to Security Council resolution 1456 (2003) of 20 January 2003, in particular the statement that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism, in all their forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] See ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

Deploring the suffering caused by terrorism to the victims and their families, and expressing its profound solidarity with them,

Stressing that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights[3] without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Also reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights,[4] to respect certain rights as non-derogable in any circumstances and recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations, as stated in General Comment No. 29, on states of emergency, adopted by the Human Rights Committee on 24 July 2001;[5]

3. *Calls upon* States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

4. *Welcomes* the report of the Secretary-General submitted pursuant to resolution 58/187,[6] which expresses that it is imperative that all States work to uphold and protect the dignity of individuals and their fundamental freedoms, as well as democratic practices and the rule of law, while countering terrorism;

5. *Takes note with appreciation* of the study of the United Nations High Commissioner for Human Rights submitted pursuant to resolution 58/187;[7]

6. *Encourages* States to make available to relevant national authorities the "Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism" and to take into account its content, and requests the High Commissioner to update and publish it periodically;

7. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links and to continue to develop cooperation with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism;

8. *Requests* all relevant special procedures and mechanisms of the Commission on Human Rights, as well as the United Nations human rights treaty

[3] Resolution 217 A (III).
[4] See resolution 2200 (XXI), annex.
[5] See HRI/GEN/1/Rev.6.
[6] A/59/404.
[7] A/59/428.

bodies, to consider, within their mandates, the protection of human rights and fundamental freedoms in the context of measures to combat terrorism, and encourages them to coordinate their efforts where appropriate, in order to promote a consistent approach on this subject;

9. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission on Human Rights and the relevant comments and views of United Nations human rights treaty bodies;

10. *Notes with appreciation* the appointment of an independent expert on the protection of human rights and fundamental freedoms while countering terrorism pursuant to resolution 2004/87 of the Commission on Human Rights,[2] and encourages States to cooperate fully with him;

11. *Requests* the High Commissioner, making use of existing mechanisms, to continue:

(a) To examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

(b) To make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

(c) To provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

12. *Requests* the independent expert to take into account the debate held during the fifty-ninth regular session of the General Assembly in finalizing the report mandated by the Commission on Human Rights in its resolution 2004/87, to be presented through the High Commissioner to the Commission on Human Rights at its sixty-first session;

13. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Human Rights at its sixty-first session and to the General Assembly at its sixtieth session.

Draft resolution X
Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to that resolution, and reiterating the importance of the Declaration and its wide dissemination,

Recalling also all previous resolutions on this subject, in particular its resolution 58/178 of 22 December 2003 and Commission on Human Rights resolution 2004/68 of 21 April 2004,[1]

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

Gravely concerned by the continuing high level of human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and that in a number of countries in all regions of the world, impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on their work and safety,

Recalling that human rights defenders are entitled to equal protection of the law, and deeply concerned about any abuse of civil or criminal proceedings against them because of their activities for the promotion and protection of human rights and fundamental freedoms,

Concerned by the considerable number of communications received by the Special Representative of the Secretary-General on human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders,

Emphasizing the important role that individuals, groups and organs of society play in the promotion and protection of all human rights and fundamental freedoms for all,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights,[2] certain rights are recognized as non-derogable in any circumstances and that any measures derogating from other provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations, as stated in General Comment No. 29, on states of emergency, adopted by the Human Rights Committee on 24 July 2001,[3]

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[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[2] See resolution 2200 A (XXI), annex.

[3] See HRI/GEN/1/Rev.6.

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

Acknowledging the significant work conducted by the Special Representative of the Secretary-General, and welcoming the cooperation between the Special Representative and other special procedures of the Commission on Human Rights,

Welcoming regional initiatives for the promotion and protection of human rights and the cooperation between international and regional mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

Welcoming also the steps taken by some States towards adopting national policies and legislation for the protection of human rights defenders,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, including by taking, as appropriate, practical steps to that end;

2. *Welcomes* the reports of the Special Representative of the Secretary-General on human rights defenders[4] and her contribution to the effective promotion of the Declaration and the improvement of the protection of human rights defenders worldwide;

3. *Encourages* all States to ensure and maintain an environment conducive to the work of human rights defenders;

4. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to eliminate such human rights violations;

5. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders, at both the local and the national levels;

6. *Also calls upon* all States to ensure, protect and respect the freedom of expression and association of human rights defenders and, where registration is required, to facilitate registration, including through the establishment of effective and transparent criteria and non-discriminatory procedures under domestic law;

7. *Urges* States to ensure that any measures to combat terrorism and preserve national security comply with their obligations under international law, in

[4] E/CN.4/2001/94, E/CN.4/2002/106 and Add.1 and 2, E/CN.4/2003/104 and Add.1-4 and E/CN.4/2004/94 and Add.1-3; see also A/56/341, A/57/182, A/58/280 and A/59/401.

particular under international human rights law, and do not hinder the work and safety of human rights defenders;

8. *Emphasizes* the importance of combating impunity, and in this regard urges States to take appropriate measures to address the question of impunity for threats, attacks and acts of intimidation against human rights defenders;

9. *Urges* States to ensure that complaints from human rights defenders are investigated and addressed in a transparent, independent and accountable manner;

10. *Urges* all Governments to cooperate with and assist the Special Representative in the performance of her tasks and to furnish all information in the fulfilment of her mandate upon request;

11. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Representative to visit their countries, and urges them to enter into a constructive dialogue with the Special Representative with respect to the follow-up and implementation of her recommendations, so as to enable her to fulfil her mandate even more effectively;

12. *Urges* those Governments that have not yet responded to the communications transmitted to them by the Special Representative to answer without further delay;

13. *Invites* Governments to translate the Declaration into national languages and to take measures to improve its dissemination;

14. *Encourages* States to promote awareness and training in regard to the Declaration in order to enable officials, agencies, authorities and the judiciary to observe the provisions of the Declaration and thus to promote better understanding and respect for human rights defenders;

15. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;

16. *Invites* relevant United Nations bodies, including at the country level, within their mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Representative, and requests the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Representative;

17. *Encourages* all Governments to investigate expeditiously urgent appeals and allegations brought to their attention by the Special Representative and to take timely action to prevent violations of the rights of human rights defenders;

18. *Requests* the Secretary-General to provide the Special Representative with all necessary human, material and financial resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

19. *Requests* the Special Representative to continue to report on her activities to the General Assembly and to the Commission on Human Rights in accordance with her mandate;

20. *Decides* to consider this question at its sixtieth session under the item entitled "Human rights questions".

Draft resolution XI
Promotion of a democratic and equitable international order

The General Assembly,

Recalling its resolution 57/213 of 18 December 2002, and taking note of Commission on Human Rights resolution 2004/64 of 21 April 2004,[1]

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights and international law,

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and international law as set forth in Articles 1 and 2 of the Charter and, inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights[2] can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Considering also that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

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[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[2] Resolution 217 A (III).

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Emphasizing that democracy is not only a political concept but that it also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Underlining the fact that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people, and that only through broad and sustained efforts, based on common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Stressing that efforts to make globalization fully inclusive and equitable must include policies and measures, at the global level, that correspond to the needs of developing countries and countries with economies in transition and are formulated and implemented with their effective participation,

Having listened to the peoples of the world and recognizing their aspirations to justice, to equality of opportunity for all, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Affirms* that everyone is entitled to a democratic and equitable international order;

2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Calls upon* all Member States to fulfil their commitment expressed in Durban, South Africa, during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies, and increased intercultural exchange through the preservation and promotion of cultural diversity,[3] and reiterates that only through broad and sustained

[3] See A/CONF.189/12 and Corr.1, chap. I.

efforts to create a shared future based upon our common humanity and all its diversity can globalization be made fully inclusive and equitable;

4. *Affirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

(b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(c) The right of every human person and all peoples to development;

(d) The right of all peoples to peace;

(e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(f) Solidarity, as a fundamental value, by virtue of which global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice, and ensures that those who suffer or benefit the least receive help from those who benefit the most;

(g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principles of full and equal participation in their respective decision-making mechanisms;

(h) The right to equitable participation of all, without any discrimination, in domestic and global decision-making;

(i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(j) The promotion of a free, just, effective and balanced international information and communications order, based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(k) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(l) The right of every person and all peoples to a healthy environment;

(m) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in economic, commercial and financial international relations;

(n) The enjoyment by everyone of ownership of the common heritage of mankind;

(o) The shared responsibility of the nations of the world for managing worldwide economic and social development, as well as threats to international peace and security that should be exercised multilaterally;

5. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds in the enhancement of international cooperation in the field of human rights;

6. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

8. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

9. *Recalls* the proclamation by the General Assembly of its determination to work urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries, and ensure steadily accelerating economic and social development and peace and justice for present and future generations;[4]

10. *Reaffirms* that the international community should devise ways and means to remove the current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

11. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

12. *Requests* the Commission on Human Rights, the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the Commission on Human Rights and the Subcommission on

[4] See resolution 3201 (S-VI).

the Promotion and Protection of Human Rights to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation;

13. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order, to take into account the present resolution in the preparations and development of the expert seminar to examine the interdependence between democracy and human rights that it will convene in February 2005, and to invite all Governments, specialized agencies, United Nations funds and programmes and interested non-governmental organizations to attend that seminar;

14. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations, and to disseminate it on the widest possible basis;

15. *Decides* to continue consideration of the matter at its sixty-first session under the agenda item entitled "Human rights questions".

Draft resolution XII
Protection of migrants

The General Assembly,

Recalling its resolution 58/190 of 22 December 2003 and Commission on Human Rights resolution 2004/53 of 20 April 2004,[1]

Recalling also its resolution 40/144 of 13 December 1985, by which it approved the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Reaffirming that the Universal Declaration of Human Rights[2] proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that every State party to the International Covenant on Civil and Political Rights[3] must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant,

Bearing in mind that every State party to the International Covenant on Economic, Social and Cultural Rights[3] has undertaken to guarantee the exercise of all rights enunciated in that Covenant without discrimination of any kind, including, in particular, on the basis of national origin,

Reaffirming the provisions concerning migrants adopted by the World Conference on Human Rights,[4] the International Conference on Population and Development,[5] the World Summit for Social Development[6] and the Fourth World Conference on Women,[7]

Reaffirming also the provisions on the human rights of migrants contained in the Durban Declaration and Programme of Action,[8] adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001, and expressing its satisfaction at the important recommendations made for the development of international and national strategies for the protection of migrants and for the design of migration policies that fully respect the human rights of migrants,

Welcoming the renewed commitment made in the United Nations Millennium Declaration[9] to take measures to ensure respect for and protection of the human

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[1] *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[2] Resolution 217 A (III).

[3] Resolution 2200 A (XXI), annex.

[4] See A/CONF.157/24 (Part I), chap. III.

[5] See *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[6] See *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[7] See *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[8] See A/CONF.189/12 and Corr.1, chap. I.

[9] See resolution 55/2.

rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies,

Taking note with appreciation of the report of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants,[10] especially the work she has undertaken on the human rights of migrants, and taking note of the conclusions and recommendations contained therein,

Taking note of advisory opinion OC-16/99, issued by the Inter-American Court of Human Rights on 1 October 1999, on The Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law,

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*,[11] and recalling the obligations of States reaffirmed therein,

Taking note further of advisory opinion OC-18/03, issued by the Inter-American Court of Human Rights on 17 September 2003, on The Juridical Condition and Rights of Undocumented Migrants,

Aware of the increasing number of migrants worldwide, and bearing in mind the situation of vulnerability in which migrants and their families frequently find themselves, owing, inter alia, to their absence from their States of origin and to the difficulties they encounter because of differences of language, custom and culture, as well as the economic and social difficulties and obstacles to the return to their States of origin of migrants who are non-documented or in an irregular situation,

Recognizing the positive contributions that migrants frequently make, including through their eventual integration into their host society, and the efforts that some host countries undertake to integrate migrants and their families,

Underlining the importance of the creation of conditions that foster greater harmony, tolerance and respect between migrants and the rest of society in the States in which they reside in order to eliminate manifestations of racism and xenophobia against migrants,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Bearing in mind the need for a focused and consistent approach towards migrants as a specific vulnerable group, in particular migrant women and children,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, and urges States to apply the existing laws when xenophobic or intolerant acts or manifestations or expressions against migrants

[10] E/CN.4/2004/76 and Add.1-4.

[11] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A, No. 23.

occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

2. *Also strongly condemns* all forms of racial discrimination and xenophobia related to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public, and welcomes the active role played by governmental and non-governmental organizations in combating racism and xenophobia and in assisting individual victims of racist acts, including migrant victims;

3. *Requests* all Member States, in conformity with their respective constitutional systems, effectively to promote and protect the human rights of all migrants, in conformity with the Universal Declaration of Human Rights[2] and the international instruments to which they are party, which may include the International Covenants on Human Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[12] the International Convention on the Elimination of All Forms of Racial Discrimination,[13] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[14] the Convention on the Elimination of All Forms of Discrimination against Women,[15] the Convention on the Rights of the Child[16] and other relevant international human rights instruments;

4. *Welcomes* the increasing number of signatures and ratifications or accessions to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and calls upon States that have not done so to consider urgently signing and ratifying or acceding to the Convention;

5. *Also welcomes* the entry into force of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, namely, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air,[17] and calls upon States that have not done so to consider urgently signing and ratifying or acceding to them;

6. *Reaffirms emphatically* the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations of 1963,[18] in particular with regard to the right of all foreign nationals to communicate with a consular official of the sending State in the case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform without delay the foreign national of his or her rights under the Convention;

7. *Calls upon* States to promote and protect fully the human rights of migrants, as set out in the Durban Declaration and Programme of Action,[8] through, inter alia, the adoption of national plans of action as recommended by the World

[12] Resolution 39/46, annex.
[13] Resolution 2106 A (XX), annex.
[14] Resolution 45/158, annex.
[15] Resolution 34/180, annex.
[16] Resolution 44/25, annex.
[17] Resolution 55/25, annexes I-III.
[18] United Nations, *Treaty Series*, vol. 596, No. 8638.

Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

8. *Also calls upon* all States to consider reviewing and, where necessary, revising immigration policies with a view to eliminating all discriminatory practices against migrants and their families, and to provide specialized training for government policy-making, law enforcement, migration and other concerned officials, including in cooperation with non-governmental organizations and civil society, thus underlining the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

9. *Welcomes* immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant environment, and encourages States to consider the possibility of adopting these types of programmes;

10. *Requests* all States, in conformity with national legislation and applicable international legal instruments to which they are party, firmly to prosecute violations of labour law with regard to the conditions of work of migrant workers, including those related to, inter alia, their remuneration and the conditions of health and safety at work;

11. *Encourages* all States to remove obstacles that may prevent the safe, unrestricted and expeditious transfer of earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

12. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants and to take action to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

13. *Calls upon* States to observe national legislation and applicable international legal instruments to which they are party when enacting national security measures in order to respect the human rights of migrants;

14. *Requests* States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants and their families respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants and their families, such as arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

15. *Encourages* Member States that have not yet done so to enact domestic legislation and to take further effective measures to combat the international trafficking and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may include debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to combat such trafficking and smuggling;

16. *Encourages* States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration so as to enable everyone, in particular women, to make informed decisions and to prevent them from becoming victims of trafficking and utilizing dangerous means of access that put their lives and physical integrity at risk;

17. *Calls upon* States to facilitate family reunification in an expeditious and effective manner, with due regard to applicable laws, as such reunification has a positive effect on the integration of migrants;

18. *Calls upon* all States to protect and promote all human rights of migrant children, in particular unaccompanied migrant children, ensuring that the best interests of the children are a primary consideration, underlines the importance of reuniting them with their parents, when possible, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations for strengthening their protection;

19. *Encourages* States of origin to promote and protect the human rights of those families of migrant workers which remain in the countries of origin, paying particular attention to children and adolescents whose parents have emigrated, and encourages international organizations to consider supporting States in this regard;

20. *Also encourages* States to consider participating in international and regional dialogues on migration that include countries of origin and destination, as well as countries of transit, and invites them to consider negotiating bilateral and regional agreements on migrant workers within the framework of applicable human rights law and designing and implementing programmes with States of other regions to protect the rights of migrants;

21. *Requests* all Governments to cooperate fully with the Special Rapporteur of the Commission on Human Rights on the human rights of migrants in the performance of the tasks and duties mandated, to furnish all information requested and to respond appropriately and expeditiously to her urgent appeals and to give serious consideration to her requests to visit their countries, and welcomes in this regard the standing invitations extended by some Member States to all special procedures, including the Special Rapporteur;

22. *Encourages* States to review and examine the conclusions and recommendations contained in the report of the Special Rapporteur[19] and to consider their re-implementation;

23. *Invites* States and intergovernmental and non-governmental organizations to observe, on 18 December of each year, International Migrants Day, proclaimed by the General Assembly,[19] through, inter alia, the dissemination of information on the human rights and fundamental freedoms of migrants and on their economic, social and cultural contributions to their host and home countries, the sharing of experience and the design of actions to ensure their protection, and to promote greater harmony between migrants and the societies in which they live;

[19] See resolution 55/93.

24. *Requests* the Secretary-General to submit to the General Assembly at its sixtieth session a report on the implementation of the present resolution under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", and requests the Special Rapporteur to submit to the Assembly at its sixtieth session an interim report on the fulfilment of her mandate;

25. *Decides* to examine this question further at its sixtieth session under the same agenda item.

Draft resolution XIII
Human rights and terrorism

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations[2] and the International Covenants on Human Rights,[3]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[4] as well as the Declaration on Measures to Eliminate International Terrorism,[5]

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[6] in which the Conference reaffirmed that the acts, methods and practices of terrorism in all its forms and manifestations, as well as its linkage in some countries to drug trafficking, are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity and the security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Recalling further the United Nations Millennium Declaration adopted by the General Assembly,[7]

Recalling, in this regard, the reference in the report of the Secretary-General on the implementation of the Millennium Declaration to the fact that terrorism itself is a violation of human rights and must be combated as such and that efforts at combating it must be pursued, however, in full compliance with established international norms,[8]

Recalling also its resolutions 48/122 of 20 December 1993, 49/185 of 23 December 1994, 50/186 of 22 December 1995, 52/133 of 12 December 1997, 54/109 and 54/110 of 9 December 1999, 54/164 of 17 December 1999, 55/158 of 12 December 2000, 56/160 of 19 December 2001, 57/219 and 57/220 of 18 December 2002 and 58/174 of 22 December 2003,

Recalling in particular that, in its resolution 52/133, it requested the Secretary-General to seek the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of human rights and fundamental freedoms,

Recalling previous resolutions of the Commission on Human Rights on the issue of human rights and terrorism, as well as on hostage-taking,

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[1] Resolution 217 A (III).
[2] Resolution 2625 (XXV), annex.
[3] Resolution 2200 A (XXI), annex.
[4] See resolution 50/6.
[5] Resolution 49/60, annex.
[6] A/CONF.157/24 (Part I), chap. III.
[7] See resolution 55/2.
[8] See A/58/323, para. 28.

Bearing in mind all other relevant General Assembly resolutions,

Bearing in mind also relevant Security Council resolutions,

Aware that, at the dawn of the twenty-first century, the world is witness to historic and far-reaching transformations, in the course of which forces of aggressive nationalism and religious and ethnic extremism continue to produce fresh challenges,

Alarmed that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Convinced that terrorism in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

Concerned that, despite the efforts of the international community, acts of hostage-taking in different forms and manifestations, inter alia, committed by terrorists and armed groups, continue to take place and have even increased in many regions of the world,

Bearing in mind that the right to life is the basic human right, without which a human being can exercise no other right,

Bearing in mind also that terrorism creates an environment that destroys the right of people to live in freedom from fear,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international law,

Seriously concerned about the gross violations of human rights perpetrated by terrorist groups,

Expressing its deepest sympathy and condolences to all the victims of terrorism and their families,

Alarmed in particular at the possibility that terrorist groups may exploit new technologies to facilitate acts of terrorism, which may cause massive damage, including huge loss of human life,

Emphasizing the need to intensify the fight against terrorism at the national level, to enhance effective international cooperation in combating terrorism in conformity with international law, including relevant State obligations under international human rights and international humanitarian law, and to strengthen the role of the United Nations in this respect,

Emphasizing also that States shall deny safe haven to those who finance, plan, support or commit terrorist acts or provide safe havens,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards and obligations,

Mindful of the need to protect the human rights of and guarantees for the individual in accordance with the relevant human rights principles and instruments, in particular the right to life,

Noting the growing consciousness within the international community of the negative effects of terrorism in all its forms and manifestations on the full enjoyment of human rights and fundamental freedoms and on the establishment of the rule of law and democratic freedoms as enshrined in the Charter of the United Nations and the International Covenants on Human Rights,

Concerned by the tendencies to link terrorism and violence with religion,

Noting the developments that have occurred since its fifty-eighth session on addressing the issue of human rights and terrorism at the national, regional and international levels,

1. *Reiterates its unequivocal condemnation* of the acts, methods and practices of terrorism in all its forms and manifestations as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences for the economic and social development of States;

2. *Strongly condemns* the violations of the right to life, liberty and security;

3. *Rejects* the identification of terrorism with any religion, nationality or culture;

4. *Profoundly deplores* the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified in any circumstances;

5. *Expresses its solidarity* with the victims of terrorism;

6. *Reaffirms* the decision of the heads of State and Government, as contained in the United Nations Millennium Declaration,[7] to take concerted action against international terrorism and to accede as soon as possible to all the relevant regional and international conventions;

7. *Urges* the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

8. *Calls upon* States to take all necessary and effective measures, in accordance with relevant provisions of international law, including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever it is committed, and also calls upon States to strengthen, where appropriate, their legislation to combat terrorism in all its forms and manifestations;

9. *Urges* all States to deny safe haven to terrorists;

10. *Calls upon* States to take appropriate measures, in conformity with relevant provisions of national and international law, including international human rights standards, before granting refugee status, for the purpose of ensuring that an asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts, including assassinations, and to ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or

facilitators of terrorist acts and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

11. *Urges* States and the Office of the United Nations High Commissioner for Refugees to review, with full respect for legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light which indicates that the person in question has planned, facilitated or participated in the commission of terrorist acts;

12. *Condemns* the incitement to ethnic hatred, violence and terrorism;

13. *Stresses* that every person, regardless of nationality, race, sex, religion or any other distinction, has a right to protection from terrorism and terrorist acts;

14. *Expresses concern* about the growing connection between terrorist groups and other criminal organizations engaged in the illegal traffic in arms and drugs at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, the taking of hostages and robbery, and requests the relevant United Nations bodies to continue to give special attention to this question;

15. *Requests* the Secretary-General to continue to seek the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of all human rights and fundamental freedoms and on the possible establishment of a voluntary fund for the victims of terrorism, as well as on ways and means to rehabilitate the victims of terrorism and to reintegrate them into society, with a view to incorporating his findings in his report to the General Assembly;

16. *Takes note* of the work of the Sub-Commission on the Promotion and Protection of Human Rights on the issue of terrorism and the final report of the Special Rapporteur on terrorism and human rights;[9]

17. *Requests* the Office of the United Nations High Commissioner for Human Rights, in the course of the examination of the question and in the conduct of any study on terrorism that may be mandated, and in its activities relating to the issue of terrorism, to adopt a comprehensive approach, in particular by giving full and equal attention to the issues raised in the present resolution with relation to the grave impact of terrorism on the enjoyment of human rights of individuals;

18. *Decides* to consider this question at its sixtieth session, under the item entitled "Human rights questions".

[9] E/CN.4/Sub.2/2004/40.

Draft resolution XIV
Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977 and its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling also Commission on Human Rights resolution 1993/51 of 9 March 1993[1] and its subsequent resolutions in this regard,

Bearing in mind the relevant resolutions of the Commission on Human Rights concerning advisory services and technical cooperation in the field of human rights, including its most recent on that subject, resolution 2004/81 of 21 April 2004,[2]

Bearing in mind also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[3] which reiterates, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling that the World Conference recommended that more resources should be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

Reaffirming that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments,

Noting the progress achieved thus far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

Considering that cooperation between the United Nations and regional arrangements in the field of human rights continues to be both substantive and supportive and that possibilities exist for increased cooperation,

Welcoming the fact that the Office of the High Commissioner has been systematically pursuing a regional and subregional approach through a variety of complementary means and methods, in order to maximize the impact of the activities of the United Nations at the national level,

1. *Takes notes with satisfaction* of the report of the Secretary-General;[4]

2. *Welcomes* the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening

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[1] See *Official Records of the Economic and Social Council, 1993, Supplement No. 3* and corrigenda (E/1993/23 and Corr.2, 4 and 5), chap. II, sect. A.

[2] See ibid., *2004, Supplement No. 3* (E/2004/23), chap II, sect. A.

[3] A/CONF.157/24 (Part I), chap. III.

[4] A/59/323.

of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular through technical cooperation aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

3. *Also welcomes*, in that respect, the close cooperation of the Office of the High Commissioner in the organization of regional and subregional training courses and workshops in the field of human rights, high-level governmental expert meetings and regional conferences of national human rights institutions, aimed at creating greater understanding in the regions of issues concerning the promotion and protection of human rights, improving procedures and examining the various systems for the promotion and protection of universally accepted human rights standards and identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;

4. *Recognizes*, therefore, that progress in promoting and protecting all human rights depends primarily on efforts made at the national and local levels, and that the regional approach should imply intensive cooperation and coordination with all partners involved, while bearing in mind the importance of international cooperation;

5. *Stresses* the importance of the programme of technical cooperation in the field of human rights, renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations under this programme of organizing information or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with Governments of all regions;

6. *Welcomes* the growing exchanges between the United Nations and the United Nations human rights treaty bodies, on the one hand, and regional organizations and institutions, including the Council of Europe, the Organization for Security and Cooperation in Europe, the League of Arab States, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights, on the other;

7. *Also welcomes* the placement by the Office of the High Commissioner of regional representatives in subregions and in regional commissions;

8. *Further welcomes* the progress achieved in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and, in this regard, notes with interest:

(a) The positive experience of the regional and subregional presence of the Office of the High Commissioner in southern, central and eastern Africa aimed at strengthening national and subregional human rights capacities;

(b) The support provided by the Office of the High Commissioner to the African Union for the strengthening of its human rights system, and welcoming in this regard the entry into force of the Protocol to the African Charter on Human and Peoples' Rights and the Establishment of an African Court on Human and Peoples' Rights;

(c) The increased, valuable sharing of concrete national experiences at the eleventh and twelfth Workshops on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held in Islamabad in 2003 and Doha in 2004, regarding the implementation of the Framework of Regional Technical Cooperation for the Asia-Pacific Region, which contributes to the enhancement of the promotion and protection of human rights in the region;

(d) Activities undertaken in the framework of the regional project of the Office of the High Commissioner for the promotion and protection of human rights in the Latin American and the Caribbean region and the strengthening of the cooperation between the Office, the Organization of American States and the Inter-American Commission on Human Rights;

(e) Activities undertaken in the framework of cooperation between the Office of the High Commissioner and the League of Arab States and the intention to develop a broader technical cooperation programme in cooperation with the League of Arab States following the recent adoption of the Arab Charter on Human Rights;

(f) The continued cooperation between the Office of the High Commissioner and regional organizations in Europe and Central Asia, namely the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union, in particular for activities at the country level, as well as the agreements between the European Commission and the Office of the High Commissioner for financing technical cooperation projects;

9. *Invites* States in areas in which regional arrangements in the field of human rights do not yet exist to consider concluding agreements, with a view to establishing, within their respective regions, suitable regional machinery for the promotion and protection of human rights;

10. *Requests* the Secretary-General, as foreseen in programme 19, Human rights, of the revised medium-term plan for the period 2002-2005,[5] to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to make available adequate resources from within the regular budget of technical cooperation to the activities of the Office of the High Commissioner to promote regional arrangements;

11. *Requests* the Office of the High Commissioner to continue to pay special attention to the most appropriate ways of assisting countries of the various regions, at their request, under the programme of technical cooperation and to make, where necessary, relevant recommendations, and in this regard welcomes the decision of the Office to strengthen national protection systems in accordance with action 2 of the reform programme of the Secretary-General;[6]

12. *Invites* the Secretary-General to provide, in the report he will submit to the Commission on Human Rights at its sixty-first session, information on progress made since the adoption of the Vienna Declaration and Programme of Action[3] on reinforcing the exchange of information and extending collaboration between the organs of the United Nations dealing with human rights and regional organizations in the field of the promotion and protection of human rights;

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[5] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 6* and corrigendum (A/57/6/Rev.1 and Corr.1).

[6] See A/57/387 and Corr.1.

13. *Requests* the Secretary-General to submit to the General Assembly at its sixty-first session a report on the state of regional arrangements for the promotion and protection of human rights, formulating concrete proposals and recommendations on ways and means to strengthen cooperation between United Nations and regional arrangements in the field of human rights, and to include therein the results of action taken in pursuance of the present resolution;

14. *Decides* to consider this question further at its sixty-first session.

Draft resolution XV
Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,[2]

Having regard to the legal framework of the mandate of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolutions 1992/72 of 5 March 1992[3] and 2001/24 of 23 April 2001,[4] as well as General Assembly resolution 47/136 of 18 December 1992,

Noting its resolutions on the subject of extrajudicial, summary or arbitrary executions and the resolutions of the Commission on Human Rights on the subject,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also Economic and Social Council resolution 1989/65 of 24 May 1989, in which the Council recommended the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to occur throughout the world;

2. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. *Notes with grave concern* that situations of extrajudicial, summary or arbitrary executions may, under certain circumstances, result in genocide or crimes against humanity, as defined in the Convention on the Prevention and Punishment of the Crime of Genocide[5] and other relevant international instruments;

4. *Notes with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.

[4] Ibid., *2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

[5] Resolution 260 A (III), annex.

5. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families, and to adopt all necessary measures, including legal and judicial measures, to bring an end to impunity and to prevent the further occurrence of such executions;

6. *Acknowledges* the establishment of the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions and the fact that ninety-seven States have already ratified or acceded to and one hundred and thirty-nine States have signed the Rome Statute,[6] and calls upon all other States to consider becoming parties to the Statute;

7. *Calls upon* all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, including in particular articles 6, 7 and 14 of the International Covenant on Civil and Political Rights[2] and articles 37 and 40 of the Convention on the Rights of the Child,[7] bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

8. *Urges* all Governments:

(a) To take all necessary measures to prevent the occurrence of extrajudicial, summary or arbitrary executions, including those occurring in custody;

(b) To take all necessary and possible measures, in conformity with international human rights law and international humanitarian law, to prevent loss of life, in particular that of children, during public demonstrations, internal and communal violence, civil unrest and public emergencies or armed conflicts, and to ensure that the police, law enforcement agents and security forces act with restraint and in conformity with international human rights law and international humanitarian law;

(c) To ensure the effective protection of the right to life of all persons under their jurisdiction, and to investigate promptly and thoroughly all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of members of national, ethnic, religious or linguistic minorities, of refugees, internally displaced persons, migrants, street children or members of indigenous communities, killings of persons for reasons related to their peaceful activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation, as well as all other cases where a person's right to life has been violated, and to bring those responsible to justice before a competent, independent and impartial judiciary and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

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[6] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

[7] Resolution 44/25, annex.

9. *Encourages* Governments and intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials in human rights and humanitarian law issues connected with their work and to include a gender perspective in such training, and appeals to the international community and requests the Office of the United Nations High Commissioner for Human Rights to support endeavours to that end;

10. *Reaffirms* Economic and Social Council decision 2004/259 of 22 July 2004, by which the Council endorsed the decision of the Commission on Human Rights, in its resolution 2004/36 of 19 April 2004,[8] to extend the mandate of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions for three years;

11. *Takes note* of the interim report of the Special Rapporteur to the General Assembly;[9]

12. *Commends* the important role that the Special Rapporteur plays towards the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within his mandate, to collect information from all concerned, to respond effectively to reliable information that comes before him, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in his reports;

13. *Urges* the Special Rapporteur to continue, within his mandate, to bring to the attention of the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide, situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or where early action might prevent further deterioration;

14. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in that regard;

15. *Urges* all Governments, in particular those that have not yet done so, to respond in a timely manner to the communications and requests for information transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests;

16. *Expresses its appreciation* to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to inform the Special Rapporteur of the actions taken on those recommendations, and requests other Governments to cooperate in a similar way;

17. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for

[8] See *Official Records of the Economic and Social Council, 2004, Supplement No. 23* (E/2004/23), chap. II, sect A.

[9] A/59/319.

in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

18. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him to carry out his mandate effectively, including through country visits;

19. *Also requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

20. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-first session on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat this phenomenon.

Draft resolution XVI
Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

The General Assembly,

Recalling its resolution 56/168 of 19 December 2001, by which it decided to establish an Ad Hoc Committee, open to the participation of all Member States and observers to the United Nations, to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on a holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development,

Recalling also its resolution 58/246 of 23 December 2003, as well as relevant resolutions of the Commission for Social Development and the Commission on Human Rights,

Reaffirming the universality, indivisibility and interdependence of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

Convinced of the contribution that a convention can make in this regard, and encouraged by the increased support of the international community for such a convention,

Stressing the importance of the active participation of intergovernmental and non-governmental organizations and national human rights institutions in the work of the Ad Hoc Committee, and their valuable contribution to the promotion of the full enjoyment of all human rights and fundamental freedoms by persons with disabilities,

Underlining the importance of the participation of the Special Rapporteur on Disability of the Commission for Social Development in the work of the Ad Hoc Committee,

Recognizing the important contributions made thus far to the Ad Hoc Committee by all stakeholders,

1. *Welcomes* the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities;[1]

2. *Requests* the Secretary-General to transmit the report of the Ad Hoc Committee to the Commission for Social Development at its forty-third session and to the Commission on Human Rights at its sixty-first session, and further requests both Commissions to continue to contribute to the work of the Ad Hoc Committee;

3. *Welcomes with satisfaction* the beginning of the negotiations by the Ad Hoc Committee on a draft convention at its third session, as requested by the

[1] See A/59/360.

General Assembly in resolution 58/246, and the progress achieved so far in the negotiation of a draft convention;

4. *Invites* Member States and observers to continue to participate actively and constructively in the Ad Hoc Committee with a view to the early conclusion of a draft text of a convention, in order to submit it to the General Assembly, as a matter of priority, for its adoption;

5. *Decides* that the Ad Hoc Committee shall hold, within existing resources, prior to the sixtieth session of the General Assembly, two sessions in 2005, of ten working days each, to be held, respectively, from 24 January to 4 February and in July/August;

6. *Underlines* the importance of further strengthening the cooperation and coordination between the Office of the United Nations High Commissioner for Human Rights and the Department of Economic and Social Affairs of the Secretariat in order to provide technical support to the work of the Ad Hoc Committee, and in this regard invites them to provide, in advance of the meetings of the Ad Hoc Committee, background documentation to assist Member States and observers in the negotiation of a draft convention; provide, in advance of the meetings of the Ad Hoc Committee, background documentation to assist Member States and observers in the negotiation of a draft convention, and to organize, in close connection and timing with the meetings and venue of the Ad Hoc Committee, meetings of experts and seminars in relation to the draft convention, within existing resources;

7. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the facilities necessary for the performance of its work, and in this context invites the Secretary-General to reallocate resources to the United Nations Programme on Disability so as to provide support to the negotiations on a draft convention;

8. *Stresses* the need for additional efforts to ensure accessibility at the United Nations, with reasonable accommodation regarding facilities and documentation, for all persons with disabilities, in accordance with General Assembly decision 56/474 of 23 July 2002;

9. *Encourages* Member States to continue to include in their delegations to the Ad Hoc Committee persons with disabilities and/or other experts in the field;

10. *Urges* Member States, observers, civil society and the private sector to contribute to the voluntary fund established pursuant to its resolution 57/229 of 18 December 2002 to support the participation of non-governmental organizations and experts from developing countries, in particular least developed countries, in the work of the Ad Hoc Committee;

11. *Requests* the Secretary-General to disseminate widely to non-governmental organizations all available information on accreditation procedures, modalities and supportive measures for their participation in the work of the Ad Hoc Committee, as well as the criteria for the financial assistance that is available through the voluntary fund;

12. *Also requests* the Secretary-General to transmit a comprehensive report of the Ad Hoc Committee and to report on the implementation of paragraphs 6, 7, 8 and 11 of the present resolution to the General Assembly at its sixtieth session.

Draft resolution XVII
Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter,

Recalling article 18 of the Universal Declaration of Human Rights,[1] article 18 of the International Covenant on Civil and Political Rights[2] and paragraph 4 of the United Nations Millennium Declaration,[3]

Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Noting the provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,[4] aimed at combating religious intolerance,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others, and in public or in private,

Reaffirming the call, made eleven years ago in Vienna at the World Conference on Human Rights, for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,[5]

Underlining the important role of education in the promotion of tolerance, which involves the acceptance of and respect for diversity, and underlining also that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion

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[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] See resolution 55/2.
[4] See A/CONF.189/12 and Corr.1, chap. I.
[5] A/CONF.157/24 (Part I), chap. III, sect. II, para. 22.

motivated by religious intolerance, continue to occur in many parts of the world and threaten the full enjoyment of human rights and fundamental freedoms,

Profoundly concerned at acts and situations of violence and discrimination resulting from religious intolerance that affect many women,

Deeply concerned at the overall rise in intolerance and discrimination on the grounds of religion or belief, including restrictive legislation, administrative regulations and discriminatory registration and the arbitrary application of these and other measures,

Seriously concerned at all attacks upon religious places, sites and shrines, including any deliberate destruction of relics and monuments,

Believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as emphasized also at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

1. *Reaffirms* that freedom of thought, conscience, religion or belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. *Urges* States to ensure that their constitutional and legal systems provide effective guarantees of freedom of thought, conscience, religion or belief, including the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief is violated;

3. *Also urges* States to ensure, in particular, that no one within their jurisdiction is, because of their religion or belief, deprived of the right to life, liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained, and to protect their physical integrity and bring to justice all perpetrators of violations of these rights;

4. *Further urges* States, in conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to persons belonging to religious minorities;

5. *Urges* States to devote particular attention to combating all practices motivated by religion or belief which lead, directly or indirectly, to human rights violations and to discrimination against women;

6. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if those limitations that are prescribed by law are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

7. *Urges* States to ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their official duties, respect different religions and beliefs and do not

discriminate on the grounds of religion or belief, and to ensure that all necessary and appropriate education or training is provided;

8. *Calls upon* all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes;

9. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

10. *Further urges* States to exert their utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected, and to take additional measures in cases where they are vulnerable to desecration or destruction;

11. *Recognizes* that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief, and that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration, and in this regard invites States, religious bodies and civil society to undertake dialogue at all levels to promote greater tolerance, respect and understanding of freedom of religion or belief and to encourage and promote, through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

12. *Emphasizes* the importance of a continued and strengthened dialogue among religions or beliefs, including as encompassed in the dialogue among civilizations, to promote greater tolerance, respect and mutual understanding;

13. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief,[6] and encourages continued efforts to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

14. *Urges* all States to cooperate fully with the Special Rapporteur, including by considering favourably her requests to visit their countries so as to enable her to fulfil her mandate even more effectively, welcomes the initiatives of States to collaborate with the Special Rapporteur, and encourages civil society to continue its active collaboration with her;

15. *Urges* States to make all appropriate efforts to encourage those engaged in education to cultivate respect for all religions or beliefs, thereby promoting mutual understanding and tolerance;

16. *Encourages* Governments, when seeking the assistance of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights, to consider, where appropriate, including requests for assistance in

[6] See A/58/296.

the field of the promotion and protection of the right to freedom of thought, conscience, religion or belief;

17. *Welcomes and encourages* the continuing efforts of non-governmental organizations and religious bodies and groups to promote the implementation and dissemination of the Declaration, and further encourages their work in relation to promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

18. *Requests* the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

19. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable her to discharge her mandate fully;

20. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixtieth session under the item entitled "Human rights questions", and requests the Special Rapporteur to submit an interim report to the General Assembly on the question.

Draft resolution XVIII
Question of enforced or involuntary disappearances

The General Assembly,

Guided by the purposes and principles set forth in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and the other relevant international human rights instruments,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons and its resolutions on the question of enforced or involuntary disappearances, in particular resolution 57/215 of 18 December 2002,

Recalling also its resolution 47/133 of 18 December 1992 proclaiming the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Bearing in mind Commission on Human Rights resolution 2004/40 of 19 April 2004,[3]

Deeply concerned, in particular, by the intensification of enforced disappearances, including arrest, detention and abduction, where these are part of or amount to enforced disappearances, in various regions of the world and by the growing number of reports concerning the harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Taking note with interest of the initiatives taken at the national and international levels in order to end impunity,

Acknowledging the fact that acts of enforced disappearance, as defined in the Rome Statute of the International Criminal Court,[4] come within the jurisdiction of the Court as crimes against humanity,

Convinced that further efforts are needed to promote wider awareness of and respect for the Declaration, and taking note in this regard of the report of the Secretary-General,[5]

Taking note of the report of the Working Group on enforced or involuntary disappearances of the Commission on Human Rights,[6]

1. *Reaffirms* that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights[1] and reaffirmed and developed in other international instruments in this field, as well as a violation of the rules of international law; and that no State shall practise, permit or tolerate

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[4] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

[5] A/59/341.

[6] E/CN.4/2004/58.

enforced disappearances as proclaimed in the Declaration on the Protection of All Persons from Enforced Disappearances;

2. *Urges* all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration, and to take action to that end at the national and regional levels and in cooperation with the United Nations, including through the provision of technical assistance;

3. *Calls upon* Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, in particular with regard to the prevention of enforced disappearances;

4. *Reminds* Governments that impunity with regard to enforced disappearances contributes to the perpetuation of this phenomenon and constitutes one of the obstacles to the elucidation of its manifestations, and in this respect also reminds them of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances in which there is a reason to believe that an enforced disappearance has occurred in territory under their jurisdiction, and that, if allegations are confirmed, perpetrators should be prosecuted;

5. *Expresses its appreciation* to those Governments that are investigating, are cooperating at the international and bilateral level, have developed or are developing appropriate mechanisms to investigate any cases of enforced disappearances that are brought to their attention and to prevent any such occurrences, and urges all the Governments concerned to expand their efforts in this area;

6. *Once again urges* the Governments concerned:

(a) To take steps to protect witnesses of enforced disappearances, human rights defenders acting against enforced disappearances, and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they may be subjected;

(b) To continue their efforts to elucidate the fate of disappeared persons;

(c) To make provision in their legal systems for machinery for victims of enforced or involuntary disappearances or their families to seek fair and adequate reparation;

7. *Reaffirms* that all persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability to exercise their rights are assured;

8. *Encourages* States, as some have already done, to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;

9. *Requests* all States to consider the possibility of disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in local languages;

10. *Notes* the action taken by non-governmental organizations to encourage implementation of the Declaration, and invites them to continue to facilitate its dissemination;

11. *Stresses* the importance of the work of the Working Group on enforced or involuntary disappearances of the Commission on Human Rights, and encourages it in the execution of its mandate to continue to promote communication between the families of disappeared persons and the Governments concerned, in particular when ordinary channels have failed, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertaining whether such information falls under its mandate and contains the required elements;

12. *Invites* the Working Group to continue to seek the views and comments of all concerned, including Member States, in preparing its reports;

13. *Also invites* the Working Group to identify obstacles to the realization of the provisions of the Declaration, to recommend ways of overcoming those obstacles and, in this regard, to continue a dialogue with Governments and relevant intergovernmental and non-governmental organizations;

14. *Encourages* the Working Group to continue to consider the question of impunity, in the light of the relevant provisions of the Declaration;

15. *Requests* the Working Group to pay the utmost attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify those children;

16. *Appeals* to the Governments concerned, in particular those that have not yet replied to the communications transmitted by the Working Group, to cooperate fully with it and, in particular, to reply promptly to its requests for information so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role,

17. *Encourages* the Governments concerned to give serious consideration to requests for visits to their countries by the Working Group so as to enable the Group to fulfil its mandate even more effectively;

18. *Expresses its profound thanks* to the many Governments that have cooperated with the Working Group and replied to its requests for information and to the Governments that have invited the Group to visit their countries, requests them to give all necessary attention to the recommendations of the Group, and invites them to inform the Group of any action they take on those recommendations;

19. *Calls upon* the Commission on Human Rights to continue to study this question as a matter of priority and to take any steps it may deem necessary to the pursuit of the task of the Working Group and to the follow-up to its recommendations when it considers the report to be submitted by the Group to the Commission at its sixty-first session;

20. *Renews its requests* to the Secretary-General to continue to provide the Working Group with all of the facilities it requires to perform its functions, especially for carrying out missions and following them up;

21. *Recalls* Economic and Social Council decision 2001/221 of 4 June 2001, in which the Council endorsed the decision of the Commission on Human Rights to

create an intersessional open-ended working group, with the mandate to prepare a draft legally binding normative instrument for the protection of all persons from enforced disappearance;

22. *Welcomes* the decision of the Commission to convene the intersessional working group before its sixty-first session, with a view to the prompt completion of its work and the submission of its report to the Commission at its sixty-first session;

23. *Requests* the Secretary-General to keep it informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration;

24. *Also requests* the Secretary-General to submit to it at its sixty-first session a report on the steps taken to implement the present resolution;

25. *Decides* to consider the question of enforced disappearances, in particular the implementation of the Declaration, at its sixtieth session, under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

Draft resolution XIX
Enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recalling its resolution 55/96 of 4 December 2000 and all relevant resolutions of the Commission on Human Rights, in particular resolutions 1999/57 of 27 April 1999,[1] 2000/47 of 25 April 2000,[2] 2001/41 of 23 April 2001,[3] 2002/46 of 23 April 2002,[4] 2003/36 of 23 April 2003[5] and 2004/30 of 13 April 2004,[6]

Recalling that all peoples have the right to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming its resolve, expressed, inter alia, in the United Nations Millennium Declaration,[7] to implement the principles and practices of democracy, and recognizing the diverse nature of the community of the world's democracies,

1. *Declares* that the essential elements of democracy include respect for human rights and fundamental freedoms, inter alia, freedom of association and peaceful assembly and of expression and opinion, and the right to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at genuine periodic free elections by universal and equal suffrage and by secret ballot guaranteeing the free expression of the will of the people, as well as a pluralistic system of political parties and organizations, respect for the rule of law, the separation of powers, the independence of the judiciary, transparency and accountability in public administration and free, independent and pluralistic media;

2. *Reaffirms* that the promotion and protection of all human rights is a basic prerequisite for the existence of a democratic society, and recognizes the importance of the continuous development and strengthening of the United Nations human rights mechanisms for the consolidation of democracy;

3. *Recognizes* the importance of all actions taken at the regional and subregional levels that are aimed at facilitating the establishment, development and consolidation of democratic institutions, based on democratic values and principles and capable of responding to the specific needs of the countries in each region;

4. *Acknowledges* the importance of better awareness of democratic values and principles in all regions and for all people;

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[1] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[2] Ibid., *2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

[3] Ibid., *2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

[4] Ibid., *2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[5] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[6] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[7] See resolution 55/2.

5. *Reaffirms* that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing, that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives and, in that context, that the promotion and protection of human rights and fundamental freedoms at the national, regional and international levels should be universal and conducted without conditions attached; the international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world.

6. *Further acknowledges* that democracy contributes substantially to preventing violent conflict, to accelerating reconciliation and reconstruction in post-conflict peacebuilding and, in peacetime, to resolving disputes that may impede economic and social progress;

7. *Recognizes* the need for Member States to pay further special attention and contribute to democratic institution-building by including relevant objectives to this effect in the mandates of peacemaking, peacekeeping and post-conflict peacebuilding operations and by providing adequate resources in that regard;

8. *Invites* intergovernmental regional, subregional and other organizations and arrangements, as well as non-governmental organizations, to engage actively in work at the local, national, subregional and regional levels for the constant promotion and consolidation of democracy and to initiate exchanges with the United Nations system on their experiences, inter alia, by:

(a) Identifying and disseminating best practices and experiences at the regional, subregional and cross-regional levels in promoting and protecting democratic processes;

(b) Establishing and supporting regional, subregional and national civic education programmes that provide access to information on democratic governance and stimulate dialogue on the functioning of democracy;

(c) Encouraging the study, in schools and universities, of democracy, human rights, good governance and the functioning of public administration, political institutions and civil society organizations;

(d) Elaborating and widely distributing reports, assessments, training material, handbooks, case studies and documentation on alternative types of democratic constitutions, electoral systems and administration so as to assist populations in making more informed choices;

(e) Encouraging the use of democratic consultative mechanisms in disputes as an opportunity for the parties involved to advance their interests within institutional frameworks;

(f) Working with the focal point for democracy of the Office of the United Nations High Commissioner for Human Rights;

9. *Invites* States members of intergovernmental regional organizations and arrangements to include or reinforce the provisions of the constitutive acts of the organizations and arrangements that are aimed at promoting democratic values and principles and protecting and consolidating democracy in their respective societies;

10. *Welcomes* the adoption by various regional, subregional and other organizations and arrangements of institutional rules designed to prevent situations that threaten democratic institutions;

11. *Invites* intergovernmental regional organizations and arrangements to institutionalize dialogue among themselves on joint actions to promote and consolidate democracy and democratic practices in all areas;

12. *Encourages* Member States and intergovernmental, regional and cross-regional organizations and arrangements, as well as non-governmental organizations, to initiate networks and partnerships with a view to assisting the Governments and civil society in their respective regions in disseminating knowledge and information about the role of democratic institutions and mechanisms in meeting the political, economic, social and cultural challenges in their respective societies;

13. *Urges* the continuation and expansion of activities carried out by the United Nations system, intergovernmental organizations and Member States to promote and consolidate democracy within the framework of international cooperation;

14. *Invites* the United Nations system to identify, develop and coordinate effective policies of assistance in the field of democracy and, in this context, to support programmes of technical assistance to States, upon their request, aimed at:

(a) Developing a competent, independent and impartial judiciary and accountable government institutions;

(b) Strengthening political party systems, free and independent media and civil society organizations;

(c) Fostering a democratic culture;

15. *Calls upon* the Office of the High Commissioner to stimulate dialogue and interaction within the United Nations system and between the United Nations system and interested intergovernmental regional, subregional and other organizations and arrangements on the ways and means of promoting democratic values and principles, on the basis of the present resolution and other relevant resolutions of the General Assembly and of the Commission on Human Rights, and, to this end, to invite, inter alia, the Department of Political Affairs, including its Electoral Assistance Division, and the Department of Economic and Social Affairs of the Secretariat, the United Nations Development Programme, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and regional organizations to inform the Commission on Human Rights, at its sixty-first session, of action taken to promote and consolidate democracy;

16. *Requests* the Secretary-General to bring the present resolution to the attention of Member States.

Draft resolution XX
The right to food

The General Assembly,

Recalling its resolution 58/186 of 22 December 2003, as well as all Commission on Human Rights resolutions in this regard, in particular resolution 2004/19 of 16 April 2004,[1]

Recalling also the Universal Declaration of Human Rights,[2] which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition,[3] and the United Nations Millennium Declaration,[4]

Recalling further the provisions of the International Covenant on Economic, Social and Cultural Rights,[5] in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action[6] and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,[7]

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly

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[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[2] Resolution 217 A (III).

[3] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[4] See resolution 55/2.

[5] See resolution 2200 A (XXI), annex.

[6] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit, 13-17 November 1996* (WFS 96/REP), part one, appendix.

[7] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit: five years later, 10-13 June 2002*, part one, appendix; see also A/57/499, annex.

interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Expressing its concern about the adverse impact on the realization of the right to food caused by many humanitarian emergencies, including plagues and natural disasters,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain their physical and mental capacities;

3. *Considers* it intolerable that there are around 842 million undernourished people in the world, that every five seconds a child under the age of five dies from hunger-related diseases and that more than two billion people throughout the world suffer from "hidden hunger" or micronutrient malnutrition when, according to the Food and Agriculture Organization of the United Nations, the world produces more than enough food to feed its entire population;

4. *Expresses its concern* that women are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

5. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

6. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

7. *Encourages* all States to take action to address discrimination against women, particularly where it contributes to the malnutrition of women and girls, including measures to ensure the realization of the right to food and ensuring that women have equal access to resources, including income, land and water, to enable them to feed themselves;

8. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including

external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

9. *Welcomes* the meeting of world leaders for action against hunger and poverty, convened by the Presidents of Brazil, Chile and France and the Prime Minister of Spain, with the support of the Secretary-General, and the resulting New York Declaration, which has been supported by one hundred and ten countries to date, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

10. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, and invites once again all international financial and developmental institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security[6] and the United Nations Millennium Declaration;[4]

11. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

12. *Takes note* of the interim report of the Special Rapporteur of the Commission on Human Rights on the right to food,[8] and commends the Special Rapporteur for his valuable work in the promotion of the right to food;

13. *Supports* the realization of the mandate of the Special Rapporteur as extended by the Commission on Human Rights in its resolution 2003/25 of 22 April 2003;[9]

14. *Expresses its appreciation* to the Special Rapporteur for his effective contribution to the medium-term review of the implementation of the Rome Declaration on World Food Security and the World Food Summit Plan of Action through the submission to the United Nations High Commissioner for Human Rights of his recommendations on all aspects of the right to food, and his participation in and contribution to the proceedings of that event;

15. *Encourages* the Special Rapporteur to continue mainstreaming a gender perspective in the activities relating to his mandate;

16. *Requests* the Secretary-General and the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

17. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also

[8] See A/59/385.

[9] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;[10]

18. *Takes note* of general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in realization of the right to adequate food;[11]

19. *Welcomes* the adoption by the Intergovernmental Working Group, as mandated by the Council of the Food and Agriculture Organization of the United Nations, of a set of voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security, as well as the endorsement by the Committee on World Food Security of the voluntary guidelines as submitted and its decision to transmit them to the Council for final adoption, and in this regard encourages States members of the Council to adopt the voluntary guidelines;

20. *Also welcomes* the continued cooperation of the High Commissioner, the Committee on Economic, Social and Cultural Rights and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

21. *Requests* the Special Rapporteur to submit a comprehensive report to the Commission on Human Rights at its sixty-first session and an interim report to the General Assembly at its sixtieth session on the implementation of the present resolution;

22. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

23. *Decides* to continue the consideration of this question at its sixtieth session under the item entitled "Human rights questions".

[10] Ibid., *2000, Supplement No. 2* and corrigendum (E/2000/22 and Corr.1), annex V, para. 4.

[11] Ibid., *2003, Supplement No. 2* (E/2003/22), annex IV.

Draft resolution XXI
Respect for the right to universal freedom of travel and the vital importance of family reunification

The General Assembly,

Recalling its resolution 57/227 of 18 December 2002,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Universal Declaration of Human Rights,[1] as well as article 12 of the International Covenant on Civil and Political Rights,[2]

Stressing that, as stated in the Programme of Action of the International Conference on Population and Development,[3] family reunification of documented migrants is an important factor in international migration and that remittances by documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind,

Noting that while some positive developments occurred during the past two years in the accomplishment of the objectives highlighted in General Assembly resolution 57/227, in particular the commitment made on 9 June 2004 at the summit meeting of the Group of Eight, held in Sea Island, Georgia, United States of America, to facilitate the flow of remittances across international borders to help families, in certain cases it has been reported that measures have been adopted that have increased the restrictions imposed on documented migrants in relation to family reunification and the possibility of sending remittances to their relatives in the country of origin,

Recalling that the family is the basic unit of society and, as such, should be strengthened, and that it is entitled to receive comprehensive protection and support,

1. *Once again calls upon* all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory;

2. *Reaffirms* that all Governments, in particular those of receiving countries, must recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants;

3. *Calls upon* all States to allow, in conformity with international legislation, the free flow of financial remittances by foreign nationals residing in their territory to their relatives in the country of origin;

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

4. *Also calls upon* all States to refrain from enacting, and to repeal if it already exists, legislation intended as a coercive measure that discriminates against individuals or groups of legal migrants by adversely affecting family reunification and the right to send financial remittances to relatives in the country of origin;

5. *Decides* to continue its consideration of this question at its sixty-first session under the item entitled "Human rights questions".

Draft resolution XXII

Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character

The General Assembly,

Recalling that, in accordance with Article 56 of the Charter of the United Nations, all Member States have pledged themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55, including universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that the promotion and protection of all human rights and fundamental freedoms must be considered a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation, and that, within the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community,

Considering the major changes taking place on the international scene and the aspirations of all peoples to an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recognizing that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world, and should continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights,

Reaffirming that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations and that human rights and fundamental freedoms are the birthright of all human beings, the promotion and protection of such rights and freedoms being the first responsibility of Governments,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming further the various Articles of the Charter setting out the respective powers and functions of the General Assembly, the Security Council and the Economic and Social Council, as the paramount framework for the achievement of the purposes of the United Nations,

Reaffirming the commitment of all States to fulfil their obligations under other important instruments of international law, in particular those of international human rights law and international humanitarian law,

Bearing in mind that, in accordance with Article 103 of the Charter, in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail,

Recalling all its previous resolutions on the question, including its resolution 58/188 of 22 December 2003,

1. *Reiterates* the solemn commitment of all States to enhance international cooperation in the field of human rights and in the solution to international problems of a humanitarian character in full compliance with the Charter of the United Nations, inter alia, by the strict observance of all the purposes and principles set forth in Articles 1 and 2 thereof;

2. *Stresses* the vital role of the work of the United Nations and regional arrangements, acting consistently with the purposes and principles enshrined in the Charter, in promoting and encouraging respect for human rights and fundamental freedoms, as well as in solving international problems of a humanitarian character, and affirms that all States, in these activities, must fully comply with the principles set forth in Article 2 of the Charter, in particular respecting the sovereign equality of all States and refraining from the threat or use of force against the territorial integrity or political independence of any State, or acting in any other manner inconsistent with the purposes of the United Nations;

3. *Reaffirms* that the United Nations shall promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion;

4. *Reaffirms also* that the responsibility for managing worldwide economic and social development, the promotion and protection of human rights and threats to international peace and security must be shared among the nations of the world and should be exercised multilaterally and that, as the most universal and most representative organization in the world, the United Nations must play the central role;

5. *Calls upon* Member States to refrain from enacting or enforcing unilateral coercive measures as tools of political, military or economic pressure against any country, in particular against developing countries, with a view to preventing those countries from exercising their right to decide of their own free will their own political, economic and social systems;

6. *Calls upon* all States to cooperate fully, through constructive dialogue, to ensure the promotion and protection of all human rights for all and in promoting peaceful solutions to international problems of a humanitarian character and, in their actions towards that purpose, to comply strictly with the principles and norms of

international law, inter alia, by fully respecting international human rights law and international humanitarian law;

7. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, organs, bodies and other components of the United Nations system and intergovernmental and non-governmental organizations, and to disseminate it as widely as possible;

8. *Decides* to consider this question at its sixty-first session under the item entitled "Human rights questions".